

MISSOURI STATE PUBLIC DEFENDER

# COLLABORATIVE JUSTICE

*Protecting Rights.*

*Restoring Lives.*

*Improving Communities.*

# ANNUAL REPORT

2024

This year, MSPD embraced a new  
model of public defense:  
**COLLABORATIVE JUSTICE**

**PROTECTING  
RIGHTS**



**RESTORING  
LIVES**



**IMPROVING  
COMMUNITIES**



# A LETTER FROM THE CHAIR

Governor Michael L. Parson  
Chief Justice Mary R. Russell  
Members of the General Assembly

October 1, 2024

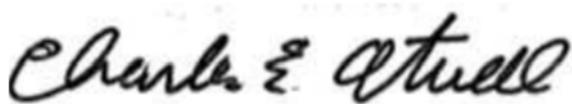
Dear Governor Parson, Chief Justice Russell and Members of the General Assembly,

Attached is the Annual Report of the Missouri State Public Defender (MSPD) for Fiscal Year 2024. As Chair of the Public Defender Commission, it is my obligation to provide the report to the Governor and Chief Justice, as well as to the members of the General Assembly to report on the work of Missouri State Public Defender.

The entire Commission thanks the Governor and General Assembly for the continued support of Missouri State Public Defender. In Fiscal Year 2024 MSPD received the initial proceeds from the Public Defender Reinvestment Fund, which is funded from the sales tax on adult use recreational marijuana. These proceeds allowed MSPD to work towards obtaining constitutional workloads to ensure effective assistance of counsel for all eligible indigent accused. The National Public Defense Workload Study, published at the beginning of Fiscal Year 24, provides important data for determining reasonable workloads in public defense. Missouri is above the national standard but continues to work towards achieving that goal. Part of the work is recruiting and retaining staff. The salary increases provided the last three years, as well as the excellent state benefits, have allowed MSPD to improve both its recruitment and retention of staff members. The Commission and the members of MSPD are grateful to the General Assembly and the Governor for the appropriations authorizing those increases.

It is with great pleasure that I provide you with this Annual Report documenting the excellent work of Missouri State Public Defender.

Sincerely,



Charles E. Atwell  
Chair, Missouri State Public Defender Commission

# TABLE OF CONTENTS

Message from the Director.....	5
Public Defender Commission & Division Directors.....	6
Who We Are & What We Do.....	7
Trial Division.....	8
Holistic Defense Services.....	14
Specialty Practices.....	24
Appellate/Post-Conviction Relief.....	24
Children's Defense Team.....	25
Commitment Defense Unit.....	26
Capital Litigation Offices.....	26
Parole Revocation Defense Team.....	27
Case Contracting.....	28
Training Division.....	30
Recruitment & Retention.....	32
Awards & Recognition.....	34
Appropriations.....	40

# A MESSAGE FROM THE DIRECTOR

Since 1982, Missouri State Public Defender (MSPD) has worked diligently to fulfill its constitutional obligation of providing a high quality, zealous defense to the indigent accused. For years the focus has been on increasing attorney staff to lower caseloads to constitutional standards. The National Public Defense Workload Study, published at the beginning of Fiscal Year 24, provides important data for determining reasonable workloads in public defense. Missouri is above the national standard, but MSPD continues to work towards reaching those standards and reducing criminal cases.

In 2022, MSPD initiated a new program, Holistic Defense Services (HDS), in recognition of the fact that a more comprehensive approach to client representation is necessary to lowering those caseloads and fulfilling MSPD's constitutional obligation. The HDS program enables the defense team to understand the life factors that impact our clients and advocate for the resources and outcomes that will help address our clients' needs.

MSPD's goal in the creation of HDS is to create lasting solutions for our clients that will help prevent them from reoffending in the future, thus decreasing the number of criminal cases. This year's report, Collaborative Justice: Protecting Rights, Restoring Lives, Improving Communities, provides comprehensive data in the attached appendix of public defender cases in every Missouri county. The report also focuses on MSPD's progress towards decreasing our clients' chances of reoffending through the work of MSPD's Holistic Defense Services.

An outside evaluation of the HDS program, funded by the Missouri Foundation for Health, has found that after just eighteen months HDS has improved the lives of clients, increased the efficiency and effectiveness of attorneys, and reduced the cost to the State for the incarceration of persons who can remain safely in their communities. So far, that work has been completed in large part by rotating employees participating in the AmeriCorps and other programs.

In Fiscal Year 26, MSPD will be requesting an appropriation to allow MSPD to fulfill its constitutional responsibility by providing the necessary full time permanent FTE for Holistic Defense Services. With this appropriation, we will be able to not only protect the rights of our clients, but to also work towards restoring their lives and improving their communities.

Sincerely,

**Mary Fox**  
**Director, Missouri State Public Defender**

# PUBLIC DEFENDER COMMISSION

## Charles E. Atwell – Chair

Kansas City • Lawyer Member • Democrat

## Larry H. Ferrell – Vice Chair

Cape Girardeau • Lawyer Member • Republican

## Roy Richter – Secretary

Ozark • Lawyer Member • Republican

## Gloria C. Reno

University City • Lawyer Member • Democrat

## Rodney Schad

Versailles • Public Member • Republican

## Katie Sinquefield

Columbia • Public Member • Republican

## Mary Fox – Director

Columbia • Ex-Officio Member

The governing body of Missouri State Public Defender is a Commission appointed by the Governor. The term of office of each commissioner is six years or until a successor is selected.

Commissioners may succeed themselves. The Public Defender Commission is responsible for the hiring of the State Public Defender Director. They review the budget request prepared by the Director and provide support of the request before the Legislature. They make any rules needed for the administration of the State Public Defender.

# DIVISION DIRECTORS

## Mary Fox, Director

[mary.fox@mspd.mo.gov](mailto:mary.fox@mspd.mo.gov)

## Greg Mermelstein, Deputy Director and General Counsel

[greg.mermelstein@mspd.mo.gov](mailto:greg.mermelstein@mspd.mo.gov)

## Jane Duncan, Operations Director

[jane.duncan@mspd.mo.gov](mailto:jane.duncan@mspd.mo.gov)

## Gina Hall, Human Resources Manager

[gina.hall@mspd.mo.gov](mailto:gina.hall@mspd.mo.gov)

## Janthony Johnson, IT Manager

[janthony.johnson@mspd.mo.gov](mailto:janthony.johnson@mspd.mo.gov)

## Heather Tilman, Budget Manager

[heather.tilman@mspd.mo.gov](mailto:heather.tilman@mspd.mo.gov)

## Maggie Johnston, Retired Case Contracting Director

## Sara Watson, New Case Contracting Director

[sara.watson@mspd.mo.gov](mailto:sara.watson@mspd.mo.gov)

## Sue Rinne, Specialty Practices Division Director

[sue.rinne@mspd.mo.gov](mailto:sue.rinne@mspd.mo.gov)

## Melinda Pendergraph, Training Director

[melinda.pendergraph@mspd.mo.gov](mailto:melinda.pendergraph@mspd.mo.gov)

## Gina Savoie, Northern Region

## Trial Division Director

[gina.savoie@mspd.mo.gov](mailto:gina.savoie@mspd.mo.gov)

## Matthew Crowell, Southern Region

## Trial Division Director

[matthew.crowell@mspd.mo.gov](mailto:matthew.crowell@mspd.mo.gov)

## Annie Legomsky, Holistic Defense Services Leader

[annie.legomsky@mspd.mo.gov](mailto:annie.legomsky@mspd.mo.gov)

# WHO WE ARE & WHAT WE DO

— “  
JUSTICE WILL NOT BE SERVED  
UNTIL THOSE WHO ARE  
UNAFFECTED ARE AS  
OUTRAGED AS THOSE  
WHO ARE  
” —

Ben Franklin

## What is Missouri State Public Defender?

Missouri State Public Defender (MSPD) is a statewide system that provides legal representation to poor people who are accused or convicted of state crimes or juvenile delinquency offenses in Missouri's trial and appellate courts. MSPD is an independent department of state government, located within, but not supervised by, the judicial branch. Instead, it is governed by a seven-member Public Defender Commission, each of whom is appointed by the Governor. Commissioners serve six-year terms and no more than four may be of the same political party. At least four of the Commissioners are required to be attorneys. The Director of the State Public Defender, Mary Fox, is appointed by the Public Defender Commission.

## Who qualifies for a public defender?

A person is eligible for public defender services if they are poor and are charged with an offense that is eligible for legal representation at public expense. The determination of whether a person is eligible for legal services is made by MSPD and is based on Federal Poverty Guidelines and other factors. If MSPD determines a person is not eligible, the applicant may appeal that decision to the Court.

## Who works for MSPD?

MSPD is divided into nine divisions: a Trial Division, an Appellate/Post-Conviction Division, a Capital Division, a Commitment Defense Team, a Children's Defense Team, a Training Division, a Case Contracting Division, a Parole Revocation Defense Team, and an Operations Division. The operations staff provides centralized information technology support, fiscal, and human resources services to the 47 offices located around the state.

## MISSION STATEMENT

The mission of Missouri State Public Defender is to provide high quality, zealous advocacy for indigent people who are accused of crime in the State of Missouri. The lawyers, administrative staff, and support staff of the Public Defender will ensure that this advocacy is not compromised. To provide this uncompromised advocacy, the Defender System will supply each client with a high-quality, competent, ardent defense team at every stage of the process in which public defenders are necessary.

# TRIAL DIVISION

## Who We Serve



**69%**

are White

**28%**

are Black, Indigenous,  
and People of Color

**3%**

preferred not to  
respond



**63%**

are between ages 25–46

**24%**

are age 46 and older

**13%**

are age 25 and under



**72%**

are men

**25%**

are women

**3%**

declined or preferred  
not to respond



**100%**

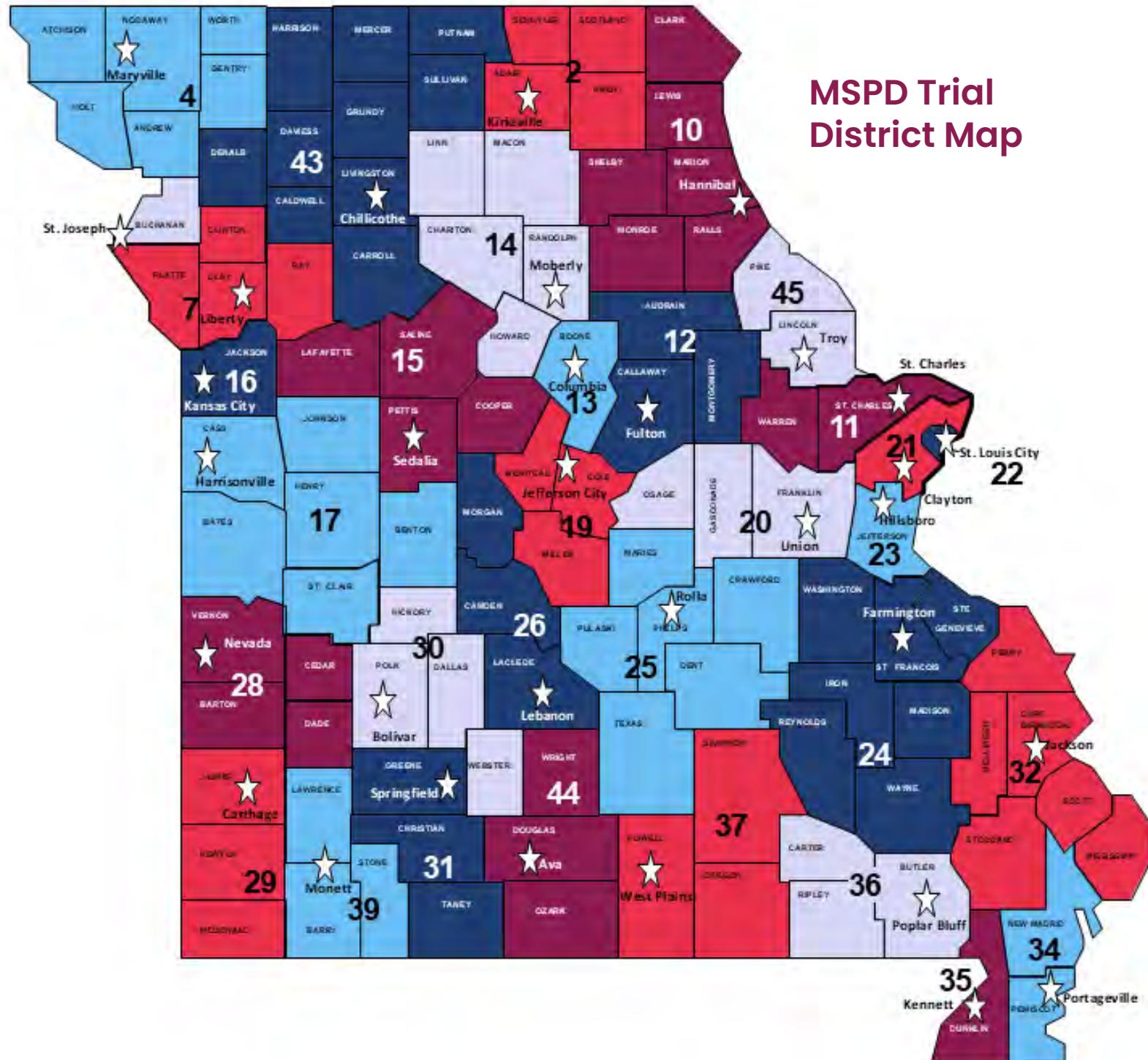
of the  
clients  
MSPD  
serves are  
indigent



**58%**

of the  
clients  
MSPD  
serves are  
in rural  
areas

## Where We Work



## Fiscal Year 2024 Trial Division Workload

In FY 24, the Trial Division initiated 57,622 new cases. In addition, 29,592 cases were carried over from previous years, for a total of 87,214 open cases in FY 24. During this period, MSPD contracted with private attorneys to handle 14,531 of these cases. Some of these contracted cases had been initiated in prior years and remained unresolved when attorneys left their employment at MSPD.

Despite the challenges of handling this high caseload, the dedicated attorneys within MSPD continue to show the vital role they play in assisting the indigent accused in Missouri. In FY2024, MSPD attorneys secured dismissals in twenty percent of the cases filed by the State and managed by the Trial Division.



**There were 87,214 total open Trial Division cases in FY 24**

The Trial Division has experienced a seven percent increase in the number of cases initiated over the past five years and has struggled with significant turnover and hiring challenges. While recruitment and retention are improving, the need for the public defender system collaboration with private contract counsel continues.



**The Trial Division has seen a 7% caseload increase over the past 5 years**

**20%**

**MSPD attorneys secured dismissals in 20% of cases filed by the state**

The Trial Division also handles probation violations when due process mandates representation. This often means the accused faces a substantial risk of jail or prison time if the court finds a violation. Twenty-one percent of the Trial Division's cases were a result of court orders requiring representation due to alleged probation violations. In forty-one percent of these cases, public defenders successfully helped their clients avoid revocation and additional jail time.

**41%**

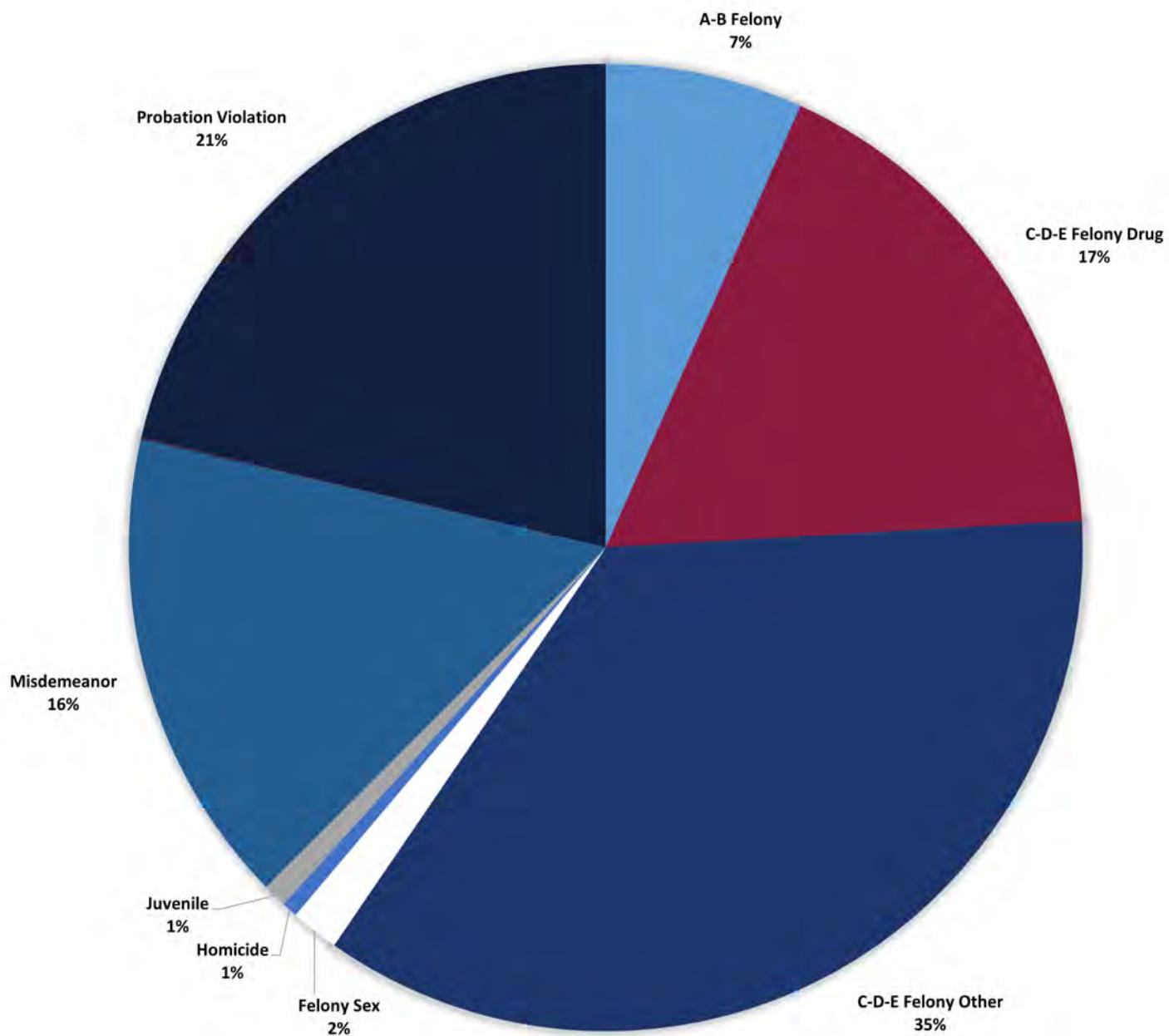
**MSPD attorneys helped 41% of clients with probation violations to avoid revocation and additional jail time**

Detailed data on the types of cases initiated in each of Missouri's one hundred and fourteen counties and the City of St. Louis is included in Appendix A to this report.

## Most Cases are Low-Level Felonies, Probation Violations, and Misdemeanors

As shown in the chart below, the vast majority of cases in the Trial Division are low-level felonies (comprising 35% of open cases), followed closely by probation violation cases (21%), low-level drug cases (17%), and misdemeanors (16%). Despite common misperceptions, homicides and felony sex cases are incredibly rare, comprising just 1% and 2% of Trial Division cases, respectively.

**FY 2024 MSPD Cases By Type**



## An Overwhelming Number of Cases

In 2014 the American Bar Association working with MSPD hired RubinBrown to develop scientifically based public defender workload standards. This collaboration produced a report in 2014 known as the Missouri Project. The Missouri Project established workload standards for criminal defense attorneys in Missouri and created a framework for other jurisdictions to follow in developing their own workload standards.

The culmination of these studies emerged in September 2023, with the RAND Corporation's National Public Defense Workload Study. The RAND report confirmed what has been known in Missouri since 2014 and addressed changes over the past decade that have often served to increase attorney workloads, such as the prevalence of electronic evidence from dash cams, body worn cameras and cell phones.

The RAND Corporation Workload Study found that public defender workloads are increasing nationwide, in large part due to the rising prevalence of electronic evidence from dash cameras, body cameras, and cell phones.

## Combatting Rising Caseloads

Missouri has made significant improvements to address rising caseloads. These efforts include increasing attorney positions, support staff positions, contract funding, and staff salaries.

Though these efforts have made a huge impact for the indigent accused in Missouri, the reality is that there are still too many cases being filed in Missouri that qualify for public defender representation.

That is why, in April of 2022, MSPD created the Holistic Defense Services team to work with the attorneys in the Trial Division. This past year, they have become an integral part of how the Trial Division operates. Their work provides much of what was missing in the representation of indigent accused by connecting clients with resources and providing mitigation evidence to improve the chance of not returning to the criminal system, either through a probation or parole violation or by reoffending. It is only by addressing the root causes of our clients' struggles that we can hope to prevent our clients from becoming our clients again in the future.

For further reading on the Public Defense Workload Study:

**National Public Defense Workload Study:**  
<https://tinyurl.com/napd-workload-report>

**American Bar Association Resources:**  
<https://tinyurl.com/aba-indigent-defense>

## Zealous Advocacy

Public defenders advocate zealously to protect their clients' rights, hold the state to its burden, and ensure that no client is convicted of a crime they did not commit.

Public defenders are trusted, respected members of the legal community, litigating any and all issues that arise in a case, from bond and probable cause, to discovery and evidentiary issues, to the determination of guilt and sentencing.

Our trial attorneys work hard to do their constitutional duty in a way that makes their clients, colleagues, and the state of Missouri proud.

## Collaboration of the Divisions

Though there are many divisions within MSPD, all work together to achieve MSPD's mission of zealous advocacy. In years past, Case Contracting has worked tirelessly to provide some workload relief to the trial offices. Similarly, the Training Division has increased the number and types of trainings offered to ensure that all new attorneys, and the experienced attorneys, receive the required continuing legal education mandated by the Supreme Court. Our Specialty Practices, like the Children's Defense Team, provide specialized advocacy for MSPD's children clients. These are just a few examples of ways in which MSPD has come together to help the Trial Division and ensure that all of our clients receive a high-quality defense.



(From left to right) Mary Fox, Lori O'Blennis, David Wiegert, Ruth Petsch, Alison McCourt, Jennifer Robinson, Anthony Vibbard, and Gina Savoie celebrating Ruth Petsch (KC Trial District Defender) for receiving the Missouri Lawyer's Media Women's Justice Award.



# HOLISTIC DEFENSE SERVICES

## Effectiveness, Expansion, and Engagement in Year Two

**FY 24 marked the second full year of having Holistic Defense Services (HDS) present in our trial offices. HDS' second year saw significant growth in the program's effectiveness, in the expansion of the team, and in engagement with internal and external partners.**

During FY 24, HDS demonstrated its value to our clients, staff, and taxpayers. An independent research group, Wellbeing & Equity Innovations (WEI), a firm nationally recognized for its work in the criminal justice and forensic social work, evaluated the HDS program. WEI's review found that **HDS involvement on a case helps to decrease unnecessary pretrial detention, reduces the occurrence and length of prison sentences, and assists attorneys by removing time-consuming and difficult tasks from their own workload.** Moreover, these outcomes led to significant cost savings for the state of Missouri.

**Our goal is to place at least one mitigation specialist in every trial office by 2026.**

The HDS team grew in number in FY 24, adding new grant- funded and contract positions to expand our capacity to provide services to our clients and attorneys across the state. These positions are filled by persons participating in one or two year service programs. While they are valued members of our team, the constant rotation of these members results in increased need to train and integrate these members into MSPD offices. In FY 26 MSPD is requesting an appropriation for forty-five FTE to provide holistic defense services to every trial office, the case contracting department, the parole revocation team, and the newly created Children's Defense Team in Central Missouri.

In FY 24 Holistic Defense Services collaborated with the Training Division to ingrain the importance of this holistic, collaborative model into training for all MSPD staff. Additionally, HDS staff worked to build partnerships with community providers, legal service providers, local governments, and the courts. By building these relationships, MSPD is better able to serve our clients and work towards systemic changes that will improve client and community stability.

## Why Take a Holistic Approach to Client Representation?

Incarceration imposes significant expenses on both the State of Missouri and the incarcerated individuals. For the state, these costs include the daily expenses of incarceration, such as housing, food, and healthcare. According to the National Center for State Courts, the average time between arrest and case resolution is approximately six months for misdemeanors and about 256 days for most felonies (2020), creating a substantial demand on state budgets.

For defendants, the costs are multifaceted, including lost wages, job loss, and the subsequent impact on future employment opportunities. Research shows that longer periods of detainment during pretrial are associated with longer sentences and lower rates of case dismissals (Wrigley &

Schumacher, 2023). Additionally, studies highlight the negative effects of incarceration on individuals, such as decreased employment opportunities and increased poverty rates, which also impact the financial well-being of their immediate social networks (Dobbie, Goldin, and Yang, 2018; Dobbie & Yang, 2021). Research indicates that common barriers to pretrial release include lack of stable housing, employment, and access to mental health and substance use treatment (Lowenkamp, VanNostrand & Holsinger, 2013).

HDS seeks to minimize these costs by directly addressing extra-legal factors that inhibit the likelihood of pretrial release, such as unstable housing, lack of employment, or mental health and substance use treatment needs, and increase the stability of the clients to thrive in their communities.



## What Does HDS Do?

### Advocacy through Case Management

HDS staff support client advocacy by connecting clients to a variety of resources and services to improve case and life outcomes. Making these connections may be a part of a court requirement, a strategy of the attorney in processing the case, or simply recognized as a service the client needs to enhance their stability and engagement with the legal process. Oftentimes, MSPD attorneys are in court with clients who are being held in jail on low level charges simply because they do not have a home or treatment plan in place. HDS staff work to find these resources for clients whenever possible. Our team also works to remove barriers to success, including educating courts about limitations to local resources, working with community providers to remove barriers to services, and assisting clients in obtaining foundational resources like identification, funding, and public benefits.

### Mitigation Advocacy

At its core, mitigation advocacy is storytelling. Using their expertise, HDS staff conduct detailed investigations into our clients, learning about the internal, familial, and environmental factors impacting their lives. Through evidence-based research, mitigation advocacy puts our clients' cases into context and positions the defense team to better advocate for outcomes that actually address our clients' needs and create more stability for them, their families, and their communities. Mitigation reports prepared by HDS are most often used in negotiation with prosecutors and at sentencing hearings; they can also be used to inform a client's defense and support bond arguments.



**The Incredible Success of Missouri's Holistic Public Defense Program w/Annie Legomsky**

The Success of Holistic Defense in Missouri w/Annie Legomsky

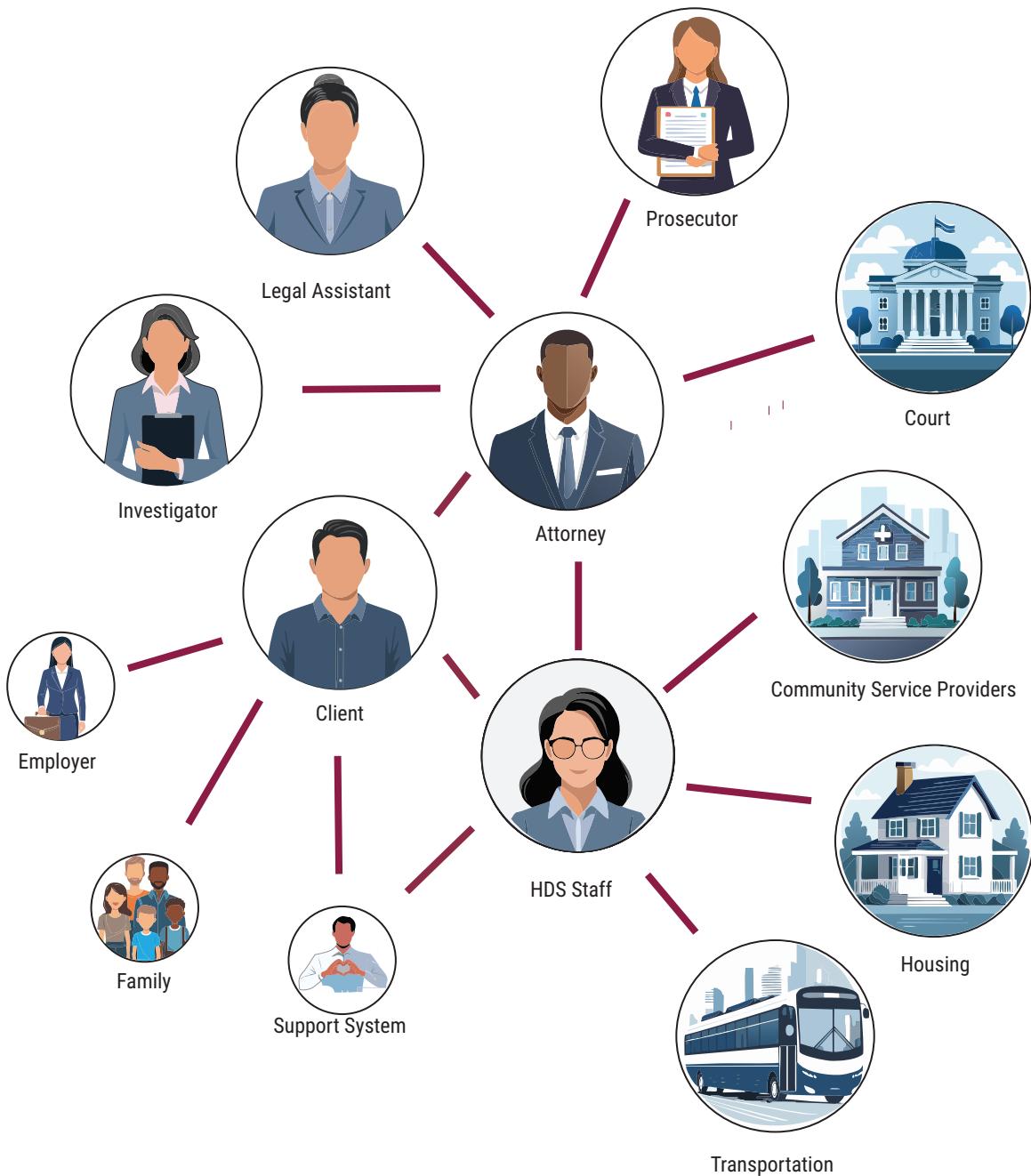
### Center of Excellence

MSPD is proud to have been recognized as a national leader in creating high-quality holistic defense practices in a statewide system. In FY 24, our team presented to multiple national audiences on topics including how to establish a holistic defense practice, the importance of mitigation in juvenile cases, and storytelling. In addition to its national outreach, HDS staff presented at numerous statewide trainings in Missouri, including at the Missouri Behavioral Health Association's Annual Conference and internal MSPD trainings.

The success of our program was also featured on the national podcast, Public Defenseless: The Incredible Success of Missouri's Holistic Defense Program.

## What is Collaborative Defense?

The holistic defense model is inherently a collaborative defense model. At the core of our collaborative defense model is the client, who works together with their defense team, comprised of their attorney(s), HDS staff, investigators, and legal assistants, to achieve their goals. This model also recognizes that external partners are often essential to effectively achieving the client's goals and making lasting change.



Research shows that a holistic defense model is the key to achieving meaningful, lasting success, and has significant impacts on case outcomes. See, e.g., Anderson, James M., Maya Buenaventura, and Paul Heaton. "The effects of holistic defense on criminal justice outcomes." *Harv. L. Rev.* 132 (2018): 819.

## How Does it Work?

After attorneys are assigned to represent clients, they are able to quickly identify client needs requiring HDS support – ranging from home plans to treatment services to more detailed mitigation assistance. Attorneys can then send a referral to their HDS staff outlining the needs they have identified. From there, HDS staff review relevant information about the client and their case and then they meet with the client to conduct a psychosocial assessment and identify agreed upon service goals with their client.

**Clients often present with multiple needs that affect their stability, wellbeing, and case.**

**The most common needs in FY 24 were housing, substance use treatment, and mental health services.**

HDS staff work towards meeting the client's and attorney's goals in constant collaboration with the defense team and external stakeholders.

Once a plan is in place, attorneys can use the relevant information to seek bond reductions, negotiate better case outcomes, and present persuasive sentencing arguments to the court.



## A Snapshot of Costs and Benefits

Through a grant from Missouri Foundation for Health, MSPD engaged an independent research firm, Wellbeing & Equity Innovations (WEI), led by Carrie Pettus, Ph.D., MSW, to perform a program evaluation and cost benefit analysis of the HDS program. WEI examined the work of HDS in seven of MSPD's trial offices, representing a diverse sample of rural and urban offices covering multiple geographic regions in the state. The seven offices are located in Rolla, Springfield, West Plains, Kansas City, St. Joseph, St. Louis, and St. Charles.

### Research Findings

WEI's Report, A Snapshot of Costs and Benefits, examined cases that began receiving HDS assistance between November 1, 2022, and November 30, 2023, that were also closed by May 31, 2024. In total, 487 cases met these criteria, involving 469 unique individuals. Of these, 363 clients received case management services, 106 received mitigation, and 18 received both.

Key findings from WEI are included on the next two pages. The full report is attached in Appendix B.

**In addition to providing  
165 mitigation services, HDS  
linked clients to over 400  
community-based  
services:**



**170** clients received housing services



**145** clients received substance use treatment



**95** clients received mental health services

**"Investing in HDS not only has the potential to reduce costs but also likely enhances the quality of legal representation and supports the wellbeing and stabilization of clients, making it a crucial component of Missouri's public defense strategy."**

- WEI Report

### HDS Increases Staff Efficiency and Effectiveness

Interviews with MSPD staff and stakeholders suggest that the inclusion of HDS staff on cases is highly well-received and provides meaningful assistance. The incorporation of HDS not only enhances case outcomes but may also benefit the operations of public defenders who often face staff shortages and high caseloads.

According to the Rubin Brown study, public defender caseloads frequently exceed recommended limits. Research indicates that higher caseloads are associated with a greater likelihood of pretrial incarceration, with a nearly threefold increase for every 100-case increase per attorney.

## Pretrial Detention Savings

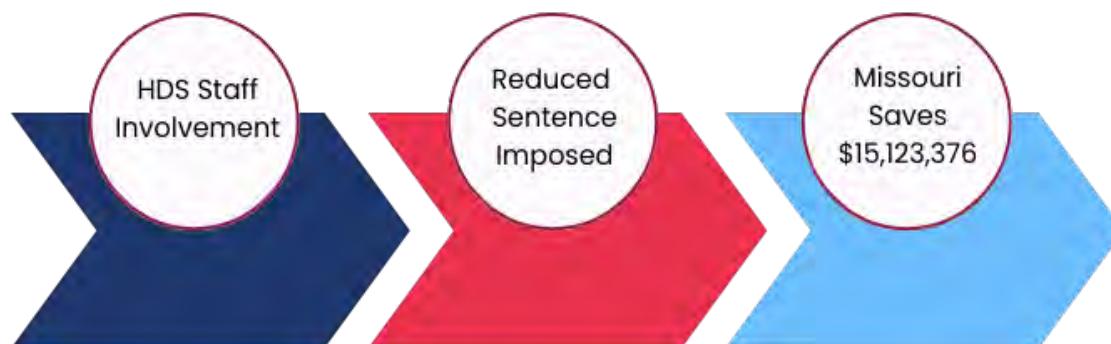
Approximately 58% of case management clients in the sample were incarcerated at the time HDS staff were brought onto the case. Of these clients, 24% ended up being released from jail pretrial. If these individuals had remained in jail instead of receiving supportive services, it would have cost the state approximately \$257,304.

While mitigation is mostly used to negotiate case outcomes and at sentencing, sometimes attorneys utilize mitigation to support bond arguments. HDS assistance resulted in 888 saved jail days, resulting in an estimated \$97,448.30 in cost savings for the State of Missouri.



## Sentence Reduction Savings

HDS involvement was associated with reduced prison sentences of, on average, 4-6 years for HDS clients, suggesting significant savings considering the daily costs of incarceration. These reductions in sentence lengths translate into a substantial financial savings of \$15,123,376, alleviating the state's burden of incarceration costs.



## Probation Violation Savings

HDS services were correlated with mitigating additional incarceration for probation violation cases, saving an estimated 1,131 days of jail time, which translates to potential savings of approximately \$80,301.



In the seven offices that WEI examined, researchers found that HDS involvement led to significant cost savings of over **\$15,558,429** for the State of Missouri.

Applying these findings to all 33 trial offices, HDS has the potential to produce roughly **\$60 million** annually in cost savings for the state.

## The Future of Public Defense

In FY 26, MSPD will be seeking an appropriation for full time employee (FTE) Mitigation Specialists to provide holistic defense services across the state of Missouri. With FTEs in every trial office, as well as in other relevant divisions, Mitigation Specialists will be able to develop and hone the skills that are essential to MSPD fulfilling its constitutional obligation to provide high-quality, zealous defense to the accused.

As the map to the right shows, if MSPD receives the requested appropriation, these Mitigation Specialists will be placed in the following locations:

- + **1-2 Mitigation Specialists in all 33 Trial Offices** (most will receive 1, with the exception of the five highest-volume offices, which will receive 2)
- + **5 Mitigation Specialists to serve Contract Counsel** (Special Public Defenders) across the state
- + **1 Mitigation Specialist to serve Parole Revocation Defense Team** clients across the state
- + **1 Mitigation Specialist to serve Columbia Children's Defense Team**



## Holistic Defense Grant Funding

In FY 24, MSPD received approximately **\$630,000** in grant funding from four different funders to support the HDS program.

### Missouri Foundation for Health

HDS is in its second year of its three-year grant from Missouri Foundation for Health (MFH), which awarded MSPD over **\$765,000** total in December 2022. The grant from MFH funds a large portion of MSPD's match funds for the AmeriCorps State & National grant, the program evaluation being performed by Wellbeing & Equity Innovations, Inc., our Client Funds, and a contract with Partners for Justice, a national non-profit that provided HDS with program development support in its first year. MSPD received approximately \$270,000, or roughly, one third, of the MFH funds in FY 24.



### AmeriCorps VISTA

MSPD received a continuation grant from AmeriCorps VISTA, entering the fourth year of our partnership. MSPD received four VISTA positions again this year. VISTAs spent FY 24 working on How To Guides, building recruitment and outreach materials, developing external partnerships, spearheading community engagement events, transforming our office lobbies into more welcoming resource hubs, working on grants, supporting data collection efforts, and improving our online resource guide. In FY 24, MSPD received approximately **\$99,000** in funding from AmeriCorps VISTA.



**AmeriCorps**

### AmeriCorps State & National

MSPD received a continuation grant from AmeriCorps State & National for our Holistic Advocate program. The second year of that grant started in September 2023 and ran through August 2024. The second year saw an increase from 5 to 10 full time positions. One of these roles was used to conduct a pilot project to support MSPD contract counsel in the region surrounding St. Louis. MSPD was also awarded a third-year continuation, which runs from September 2024 through August 2025. MSPD received the equivalent of 8 full time positions for the third year of the program despite national cuts to AmeriCorps funding. All positions were filled before the start of the grant year and include 5 returning members and 3 new members. In the 2024-2025 grant year, Holistic Advocates will be based in our trial offices in St. Charles, Carthage, Springfield, West Plains, Fulton, Harrisonville, Jackson, and St. Joseph. MSPD received approximately **\$230,000** in AmeriCorps State & National Funds in FY 24.

## State Crisis Intervention Program

In September of 2023, MSPD received a new grant from the Department of Public Safety's State Crisis Intervention Program (SCIP). MSPD received a total of \$83,330 for a 35-month grant period, with roughly \$23,000 attributed to FY 24. The SCIP award supports MSPD's contract with Partners for Justice to provide training and assessment of the HDS program, with an emphasis on developing training for MSPD attorneys and other staff on how to implement collaborative, holistic practices into their representation.



---

**MSPD is waiting on funding decisions for two grants that were submitted in FY 24.**

## Grants in Submission

**Bureau of Justice Assistance FY24 Improving Adult and Youth Crisis Stabilization and Community Reentry Program:** In April 2024, MSPD submitted an application for the Bureau of Justice Assistance FY24 Improving Adult and Youth Crisis Stabilization and Community Reentry Program grant to seek funding to launch a Holistic Defense Peer Support and Reentry Program. If awarded, HDS will be able to bring on six peer support specialists with lived experiences of mental illness, substance use disorder, and/or criminal legal system involvement to serve as client advocates. The BJA is expected to announce awardees in the fall of 2024.

**Bureau of Justice Assistance FY24 Second Chance Act for Reentry Services Program:** MSPD also worked with St. Patrick's Center, the lead homeless service provider in St. Louis, along with the 22nd Judicial Circuit's Pretrial Services Office, to apply for a Bureau of Justice Assistance: Second Chance Act for Reentry Services grant. If awarded, St. Patrick's Center will bring on two housing case managers to support the needs of people housed in the St. Louis City Jail, embedding one of those case managers within the HDS unit and MSPD's St. Louis Trial office to focus on helping our clients with their housing needs.

# SPECIALTY PRACTICES

## Appellate and Post-Conviction Relief Offices

The Missouri State Public Defender has six offices representing people in appellate and post-conviction relief (PCR) cases. These offices are located in St. Louis, Columbia, and Kansas City. Appellate and Post-Conviction Relief offices provide a second look at our courts' proceedings, ensuring that our clients' rights under the federal and state constitutions have not been violated. Whether a client has pled guilty or taken her case to trial, our attorneys review the proceedings, making sure that judges have applied the law correctly and that defense attorneys have provided competent and zealous representation to their clients.

When clients' constitutional rights have been violated or there have been errors in the proceedings, MSPD's attorneys seek to put things right. Relief for clients comes in many forms: a reduction in sentence or a resentencing hearing; a new trial; or withdrawal of a guilty plea that was made without full understanding of the charges or the punishment. Occasionally, the appellate courts reverse a conviction entirely, finding that there was insufficient evidence at the trial to convict the person of the charge.



MSPD Training Director Melinda Pendergraph (bottom left) with faculty and staff from the Appellate Defender Training held at MSPD's Training Center in conjunction with the National Legal Aid and Defender Association.

**10 clients were granted new trials**

**4 clients had their guilty pleas vacated**

**2 clients had their convictions reversed and were discharged**

**27 clients received some form of relief in sentencing (reduction in sentence to comply with the law or a remand to the trial court for a new sentencing hearing)**

Most of the time Missouri's appellate courts decide that proceedings in the trial courts were adequate, and they affirm the decisions of the trial courts. Nevertheless, when people's liberty is at stake, even a single incident of error or violation of rights justifies the "quality control" function of our appellate and PCR offices.

## Children's Defense Team

In FY 2024, the Missouri State Public Defender had teams in St. Louis and Kansas City representing children in delinquency proceedings. Staff members in these offices receive specialized training in this critical area of the law, particularly in the area of adolescent brain development. Children and youth are, by definition, different than adults, and our Children's Defense Teams strive to ensure that courts recognize those differences and focus on rehabilitation rather than punishment. Recognizing the importance of having a specialized lawyer to protect and defend every child in delinquency court, the Missouri State Public Defender is expanding its Children's Defense division by adding a third team in Columbia.



### Achieving Strong Outcomes for Children

Our Children's Defense Teams (CDT) secured the dismissal of charges in nearly one quarter of the cases that they closed in FY 2024 (other than cases closed by transfer to contract attorneys or other MSPD offices). Dismissals occur for many reasons, but often it is because the Children's Defense attorney points out weaknesses in the evidence, or puts forth convincing arguments to Juvenile Office staff that a child's case should be handled informally rather than in court.

### Changes in Certification Law

Perhaps the highest calling of our Children's Defense Teams is defending children in certification hearings. In FY 24 the General Assembly recognized the importance of adolescent brain development science and

amended Section 211.071 RSMo to raise the age in which children could be considered to have their case certified, or transferred, from the rehabilitative juvenile court to the more punitive adult court. In support of the children facing possible certification, CDT attorneys call expert witnesses to provide the courts information on adolescent brain development science. Experts can provide testimony on how adolescents' actions are the consequence of not fully developed brain function. Expert witnesses are also able to provide the court with treatment plans to address the child's behavior and information on rehabilitation alternatives available in the juvenile system.

### Neuro-imaging Scan of Brains at Different Stages of Development

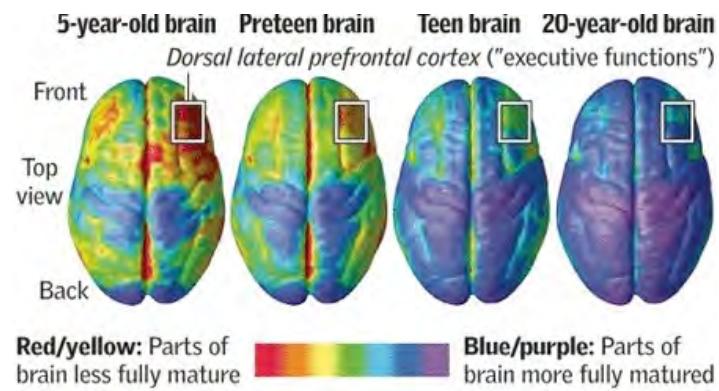


Image Source: National Institute of Mental Health; Paul Thompson, Ph.D., UCLA Laboratory of Neuro Imaging.

### CDT Disposition Specialists

Disposition Specialists are an invaluable resource to our Children's Defense Teams, helping our attorneys by finding community resources that allow our children clients to remain in their homes instead of institutional settings. Disposition Specialists also put together mitigating information for the courts to explain the social and psychological factors that have contributed to the child's circumstances and actions, ensuring a collaborative, holistic approach to representation for our most vulnerable clients.

## Commitment Defense Unit

Although most of MSPD's work is in the criminal courts, we also represent people who face the possibility of being civilly committed to Missouri's Department of Mental Health (DMH) for an indefinite time period, possibly for life. Advocating for these clients is the work of our Commitment Defense Unit (CDU).

Most of our CDU clients are people who have already served lengthy prison sentences for a sexual offense, whom the State is seeking to deem "sexually violent predators," resulting in an indefinite period of confinement at a secure state facility. Our attorneys zealously defend the rights of these clients at trials to determine whether they are deemed to be "sexually violent predators" under the legal definition.

In addition, CDU attorneys represent clients who have already been committed to DMH and are petitioning the court for release from confinement. Many of these clients have been committed under the sexually violent predator statutes. Others have previously been found not guilty by reason of insanity (of non-sexual offenses as well as sexual offenses) and were therefore committed to DMH rather than sentenced to prison. Courts are, understandably, reluctant to release people under these circumstances, and release is rare. But in FY 24, our Commitment Defense Unit secured releases for two clients, each of whom had been committed as a "sexually violent predator" more than twenty years ago. Our attorneys presented convincing evidence to the court that these men no longer suffered from the mental abnormalities that had previously made them likely to engage in acts of sexual violence.

## Capital Litigation Offices

Capital Litigation offices in the Missouri Public Defender System are in St. Louis, Columbia, and Kansas City. Much of the work in these offices is defending clients whom the State seeks to put to death. Following the guidelines of the American Bar Association, capital defense involves labor-intensive efforts to understand a client's life story from birth to the present day, and to uncover mitigating evidence that can help the decision makers, whether jurors or judges, understand that person's life story and how it led to the tragic circumstances of the case.



In FY 24, our Capital Litigation teams defended clients at two death penalty trials. In both cases, our clients were spared the death penalty and, instead, received sentences of life in prison without the possibility of parole.

Of equal importance, our teams negotiated non-death agreements for several clients. In such cases, our staff members convinced prosecutors that the particular facts of a case, and of our client's life experiences, did not justify the ultimate and irrevocable punishment of death. These non-death dispositions save the lives of the people we represent, and allow prosecutors and the courts to resolve serious cases without trials that last for weeks and the massive expenditure of resources that such trials require.



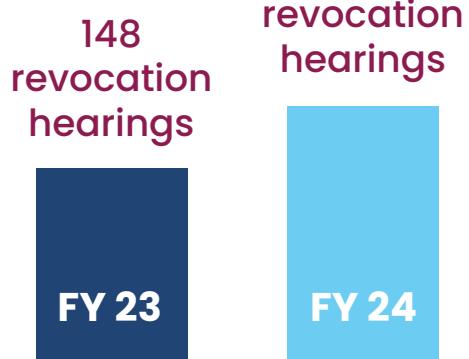
## Parole Revocation Defense Team

As the name indicates, MSPD's Parole Revocation Defense Team (PRDT) represents people who are at risk of having their parole revoked. This team saw a one-third increase between FY 23 and FY 24 in cases initiated. It is a small unit, with four attorneys who cover parole revocation defense across the state. Substantial case load increases meant increased expenditures of time and money for travel.

Parole Revocation Defense attorneys represent clients at one or both stages of a parole revocation proceeding -- the preliminary hearing and the revocation hearing.



PRDT has seen a 30% caseload increase since FY 23



## Representation at Preliminary Hearings

Preliminary hearings determine whether there is probable cause to move forward with the parole violation(s). These hearings are usually held at a local jail or detention center, near the place of arrest. PRDT represented clients at 208 preliminary hearings in FY 24, a substantial increase from the 146 preliminary hearings handled by PRDT in FY 23.

146 preliminary hearings



208 preliminary hearings



## Decreasing Revocation with Holistic Supports

Many of the clients facing the possibility of parole revocation are accused of new laws violations. But others are simply accused of technical violations such as failing to maintain employment, changes in residency, or use of controlled substances.



PRDT attorneys are looking forward to increased access to the expertise of MSPD's Holistic Defense Services staff members, who are able to assist clients facing revocation with referrals for job counseling and placement, housing, and treatment, thus helping them return to a law-abiding life and avoid revocation.

# CASE CONTRACTING

## Public Interest Opportunities      Overload Cases

The rules of professional conduct state that attorneys should render public interest legal services at no fee or at a reduced fee to people of limited means or to public service organizations. The MSPD Case Contracting Division provides the opportunity and resources for private criminal defense practitioners to meet this worthy obligation.

Missouri's statewide system of indigent defense is enhanced by the Case Contracting Division, which recruits, screens, and enables private attorneys to provide indigent defense on a contract basis as Special Public Defenders (SPDs) in every county of the state. Private criminal defense practitioners who may not otherwise afford to represent indigent clients are able to do so with the support of MSPD, which funds litigation expenses clients cannot afford such as depositions and experts.

After screening applications and references from trusted counsel in an applicant's location, Case Contracting works with each SPD to tailor case assignments by number, type and location to suit each SPD's experience and availability. In addition to covering litigation expenses, MSPD provides travel reimbursement and a per-case fee.

**Missouri attorneys take an oath to practice law to the best of their ability "with consideration for the defenseless and oppressed".**

There is no question that our contract counsel play a vital role in MSPD. Since FY 21, SPDs have increasingly played a critical role in providing representation for offices where attorney vacancies have been difficult to fill. In 2023-2024, and anticipated in fiscal year 2025, case assignments due to a conflict of interest have been surpassed by "overload" assignments, which are assignments that provide caseload relief to trial offices that are "overloaded" with more cases than the office can ethically handle.

**14,531 of the  
87,214 open  
Trial Division  
cases in  
FY 24 were  
contracted to  
SPDs**



The MSPD trial offices most recently in greatest need of contract counsel support are in Fulton, Jefferson City, Union, Clayton, Lebanon, Nevada, Bolivar, Springfield, and surpassing them all, Jackson.

SPDs also provide MSPD overload assistance via contracts in particular counties. For example, Susan Bell of Steelville is in her second year of working with an attorney to cover Texas County dockets due to an ongoing attorney shortage in the Rolla office. In three other counties, an SPD is handling all incoming MSPD cases; those are Bollinger, Carter, and Shannon counties. These county positions are advertised for bidding and

awarded to attorneys known by MSPD to be competent to provide zealous criminal defense representation.

## Training and Resources for SPDs

In gratitude for their assistance, SPDs are offered membership to the National Association for Public Defense (NAPD). Additionally, MSPD's Training Division provides free training opportunities for SPDs, allowing them many opportunities to obtain their annual CLE credits for free and to grow in many practice areas. Juvenile specialty training, system-wide training with MSPD attorneys, and annual contract attorney training are just a few examples of the training opportunities available to SPDs.

A large part of why our contract program is successful is its connection with the statewide MSPD organization and the experience and resources MSPD provides to support our SPDs.

Additionally, our SPDs have shared with us how the clients they have met through our contract program have altered their lives, reminded them of why they decided to become an attorney, and have made them better advocates.

Success  
is best  
when it's  
shared.

-Howard Schultz

**SPDs often express that MSPD provides some of the best, most relevant training they have received, and frequently take advantage of virtual and in-person training opportunities.**

## Holistic Defense Pilot with SPDs

Towards the end of FY 24, Case Contracting and HDS initiated a small pilot program to provide holistic defense services in overload cases in St. Louis and the surrounding region. The program was highly successful. SPDs who were part of the pilot praised the program and the impact it can have on clients and the ability to resolve cases.

One SPD who participated in the pilot shared her appreciation for the program:

**"The HDS program and its work has been outstanding and life changing for our clients. Thanks to the help of HDS, my client is receiving incredible treatment, with the possibility of a much better recommendation."**

**- Elizabeth Ramsey, SPD**

# TRAINING DIVISION

Our training department works to ensure that all MSPD employees have access to the knowledge and skills necessary to fill their roles as integral parts of the MSPD's defense team and to provide high quality representation to our clients. Our goal is to improve the quality of representation and fight for justice.

Our number one priority is to provide new defenders with quality training so they can hit the ground running. This past year, MSPD hired 76 attorneys and 75 core staff. As a result of all the new hires, our training department spent a substantial amount of time providing these new employees with several training programs, including:

- **New Defender Workshop**
- **Trial Skills Workshop**
- **Core Staff Workshop**
- **New Employee Orientation**



Erika Wurst (St Louis City Deputy District Defender) presents on Counseling Your Client on Pleading vs. Trial to new attorneys and staff at New Defender Workshop.

Throughout the year, we have more specialized training to meet our defenders' various needs, including:

- **Preservation Training**
- **Contract Counsel Training**
- **Voir Dire Training**
- **Holistic Defense Training**
- **Appellate Training**
- **Capital Mitigation Training**
- **Investigator Training**



Annie Legomsky (HDS Leader) and Beverly Hauber (Clayton District Defender) present a session to new attorneys on Effective Collaboration in Defense Investigation and Mitigation.



National Association of Criminal Defense Lawyers (NACDL) and Alternatives for Real Change (ARC) Faculty at Capital Mitigation Training

## Excellence in Public Defense

In March 2024 we held our annual spring training program, focusing on Excellence in Public Defense. 520 attorneys and investigators from MSPD and our Case Contracting program attended the training. Defenders value the annual conference where all our attorneys come together to learn and celebrate our excellence in public defense.



MSPD Director Mary Fox opening MSPD's Annual Conference.

## Training Feedback

Training conducts evaluations after every conference to ensure we are providing relevant, quality programming for staff.

*"[I] appreciate that the training division dedicates several sessions to issues relating to the most difficult types of cases that we handle."*

One attorney shared feedback about the Training Division's variety of learning opportunities.

Another attorney commented on the importance of learning about Compassion Fatigue from Mental Health trainer, Isaac Sandidge:

*"Learned so much information that I couldn't possibly summarize here. His slides were amazing and well-written. Compassion Fatigue is something a lot of us (including myself) experience but didn't know it. I will take this and make a strong effort to create ways to avoid/work through it."*



*"This was by far my favorite part of the training. I loved this speaker and would have gladly listened to her for hours. It gave me a new understanding of substance use."*

Shoutout to Heather Harlan (pictured left) from Boone County Health Public Health & Human Services for her training on Substance Use Disorders.

# RECRUITMENT & RETENTION

## Legal Internships Boost Recruitment

MSPD has expanded its summer legal internship opportunities across the state, which has in turn helped to boost recruitment. Law students who intern with MSPD get a lot of hands on experience, drafting motions, working directly with clients, and second-chairing jury trials. Rule 13 law students can even represent clients in hearings under the supervision of an attorney.

Our legal interns often rave about the variety of work they get to do at MSPD, and many end up coming back for additional internships before applying for full-time positions after graduation.

"I was fortunate enough to work at the Missouri State Public Defender's Trial Division Office this summer. I have had a wonderful experience learning and growing from many skilled and compassionate attorneys whose primary goal is to protect the liberty of those they represent. As part of the defense team, I had the opportunity to assist in trial, sit in on depositions, write motions, help with client communications, and even play in a weekly softball game with other firms in Kansas City. I want to thank the entire team and my office mentor for guiding me and providing a memorable summer!"

- Summer Law Intern Olivia Sabates  
(University of Miami School of Law)



Oliver Foreman, Rule 13 Legal Intern in our Hillsboro Trial Office, moments after winning his first preliminary hearing in front of Judge Manansala (23rd Judicial Circuit).

## Ongoing Initiatives

MSPD continues to hire students in their third year of law school for early hire positions. Hiring from our summer class of interns has proven to be an effective method of securing exceptional talent for the next hiring year. Interviewing for the early hire and fellowship positions begins in the summer and continues through February.

In August 2024, MSPD welcomed an incoming group of attorneys from law schools across the country. We had 20 law school graduates start with MSPD in August, as a result of on campus interviewing, virtual career fairs, national recruiting events, and our summer internship program.

# SPOTLIGHT

**HIRING ATTORNEYS IN CAPE GIRARDEAU**

**NOTES**

A TOWN OLDER THAN MISSOURI ITSELF, CAPE GIRARDEAU IS NO STRANGER TO HISTORY, HOUSING NATURE CONSERVATORIES, THE MISSOURI WALL OF FAME, AND PATHS TO THE TRAIL OF TEARS PARK

**APPLY NOW!**

MoCareers MSPD Job Board  
2360 North High Street, Ste. 2  
Jackson, MO 63755  
(573) 243-3949

**MSPD** missouri state public defender

## Missouri Justice Fellows

Our Missouri Justice Fellowship program is in its third year. We are thrilled to report that the first graduation class of fellows (2022) have ALL elected to continue their legal careers with MSPD, either in the office of their fellowship or in another MSPD office.

## New MoCareers Application

At the end of 2023, MSPD launched a new hiring platform using MOCareers. The online application and candidate tracking tool has given MSPD much more exposure. In addition to our presence on LinkedIn, Indeed, and Handshake, using the MOCareers platform has increased applications for all positions statewide.

To see current openings, go to  
<https://mocareers.mo.gov/>



## New Mentorship Program

MSPD is launching a formal mentorship program with the incoming fall 2024 attorneys. New attorneys will be assigned an experienced mentor during their first year with MSPD. Both mentees and mentors will have the opportunity to participate in various training as the program develops. The mentorship program will help with retention, both among our new attorneys as well as our experienced, mentor attorneys.

# AWARDS & RECOGNITION



*Tom Jacquinot*

## Defender of Distinction

Tom Jacquinot, District Defender of Western Capital, is the 2024 Defender of Distinction. Tom joined MSPD as a Western Capital Associate Trial Counsel in 1997, became a Capital Lead Counsel in 2001 and District Defender of our Western Capital Team in 2003. In his twenty-seven years with MSPD Tom has represented clients facing the death penalty throughout the State of Missouri. The Defender of Distinction Award is presented to one attorney every year who: "exemplifies the ideals of public defense by tirelessly working on behalf of clients regardless of the strengths of the case or the severity of the crime; takes pride in knowing that the clients have received the best service possible; actively seeks out training to further enhance the service to clients; treats everyone with the same dignity and respect with which all of us wish to be treated; and does all of this without seeking public recognition for the services rendered." Tom's work on behalf of his clients and his leadership in capital defense clearly marks him as a Defender of Distinction.

## Office of the Year

The Portageville Trial Office is the 2024 Office of the Year. This award is given to one MSPD office in recognition of its achievements in client representation and in furtherance of MSPD culture and values, including but not limited to: client centered practice, zealous representation, exceptional dispositions, office cohesiveness, morale and professional support, and a commitment to the values of the Missouri State Public Defender System. The office of eight had an extremely successful year in trials, dismissals, dispositions and client successes, and have created a collaborative, supportive and caring office atmosphere.



*The Portageville Trial Office*



**Kevin Whiteley**

## Outstanding Contract Defender Award

Each year a contract attorney is recognized for exceptional contributions to MSPD. In 2023, St. Louis attorney Kevin Whiteley was awarded the Contract Defender of the Year Award. Mr. Whiteley is based in Clayton and receives case assignments in the 20th Circuit, an area of continuous need for overload assistance. His experience with not only trial-level representation but also appeals and post-conviction cases make him a real asset to MSPD. Mr. Whiteley has a comprehensive understanding of the criminal law, including the impact immigration and mental health issues have on his clients' cases. He has frequently accepted case reassessments involving sex offenses and cases set for trial when experienced attorneys leave MSPD employment. We are so grateful to Kevin and all our Special Public Defenders who all play an invaluable role in MSPD's mission to provide excellent legal representation to the indigent accused of Missouri.

## Excellence Award

Pamela Wilhite, paralegal in the Columbia Trial Office, is the recipient of this year's Excellence Award. This award recognizes a MSPD non-attorney member who demonstrates outstanding work by consistently and enthusiastically assisting colleagues, exemplifying team building and leadership, and consistently furthers the ideals of public defense by: "Tirelessly working on behalf of clients and supporting colleagues in carrying out MSPD's mission; Working to ensure that MSPD's clients receive the best possible service; Actively seeking ways to further support clients and colleagues; and Treating everyone with the same dignity and respect with which all of us wish to be treated." Pam joined the Columbia Trial Office in 2001 and Pam's colleagues describe her work in the Columbia Trial Office as instrumental in the success of their office.



**Pamela Wilhite**



Kevin O'Brien



Brian Horneyer

### Charles Shaw Trial Advocacy Award

Attorneys Brian Horneyer and Kevin O'Brien received the Charles Shaw Trial Advocacy Award from the Missouri Association of Criminal Defense Lawyers. This annual award is presented to a select few lawyers who exhibit outstanding trial skills and a passion for trying cases involving the innocent accused. Brian and Kevin join the prestigious list of 28 previous honorees recognized over the years.



Ruth Petsch

### Women's Justice Award

Ruth Petsch received the Missouri Lawyers Media Women's Justice Award for Public Service. These awards recognize women across Missouri who have demonstrated leadership, integrity, service, sacrifice and accomplishment in improving the quality of justice and exemplifying the highest ideals of the legal profession. Ruth has made an extraordinary difference in improving the quality of justice serving as District Defender in our Kansas City Trial Office.



*Beverly Hauber*



### **WashU Law Clinical Education Program 50th Anniversary Award**

Beverly Hauber, St. Louis County Trial District Defender, is the recipient of Washington University School of Law's Clinical Education Program 50th Anniversary Award, which honors individuals who have made a significant impact on the Clinical Education Program, who have dedicated their careers to public service, and who have obtained a distinction in their professional or academic careers. Beverly was honored for her years of work hosting WashU Law Clinic Students in the Clayton Trial office.

### **David Dixon Award**

Christian Lehmburg, a Senior Attorney in the Central Appellate Office, has been chosen as a 2024 David J. Dixon Appellate Advocacy Award winner. The David J. Dixon Appellate Advocacy Award recognizes three young lawyers who are under the age of 40 selected from different regions of the state: St. Louis, Kansas City and all other counties. The recipients are chosen based on their performance of outstanding appellate work. Those nominations are then sent to a selection committee of two appellate judges, a U.S. district judge and the chief justice of the Supreme Court, who makes recommendations to the Missouri Bar Foundation Trustees for final selection.



*Christian Lehmburg*

## Director's Award

Dan Viets, John Payne, and **Jack Cardetti** are the 2024 recipients of the Director's Award. All three played instrumental roles in the legalization of recreational marijuana in Missouri. As a result of their advocacy, MSPD is the recipient of tax revenues from adult use recreational marijuana sales.

**Dan Viets** is a private practice attorney in Columbia, MO, concentrating on the defense of marijuana cases. Dan Viets was the recipient of the 1993 Martin Luther King Association's "Keeping the Dream Alive" award. Dan was named High Times Freedom Fighter of the Month in March 2005 for his work helping to pass both a marijuana decriminalization initiative and a medical marijuana initiative in the 2004 election in Columbia. Dan co-authored Missouri's medical marijuana law and chaired the Board of the 2018 campaign which passed that law, now Article XIV, Section 1 of Missouri's Constitution. He co-authored Missouri's law legalizing adult use, cultivation and sales of marijuana and Chaired the Advisory Board of the 2022 campaign which passed that law, now Article XIV, Section 2 of Missouri's Constitution.

**John Payne** served as the Campaign Manager for both Legal Missouri 2022, the proponent of Amendment 3, and New Approach Missouri, the proponent of Amendment 2, which legalized medical marijuana in 2018. In 2019, he founded Amendment 2 Consultants (A2C), where he serves as the managing member. A2C works with many cannabis businesses in Missouri and beyond, providing compliance, marketing, and business strategy consulting services, in addition to lobbying and campaign services to a diverse range of clients.

**Jack Cardetti** has worked in Missouri for nearly two decades as a spokesman and strategist for state and federal elected officials. He's served as the official spokesman for two Missouri governors and remains an oft-quoted expert in news stories throughout Missouri and among leading national publications. In the 2018 election cycle, Jack led the historic effort to approve medical marijuana in Missouri, steering 66 percent of the vote for Amendment 2 while defeating two other competing medical marijuana ballot initiatives.



Jack Cardetti (left), Dan Viets (center), and John Payne (right), receiving the Director's Award at MSPD's Annual Conference and Award Luncheon.



Sean Curd

## AmeriCorps Member of the Year (Central)

In April, HDS Holistic Advocate Sean Curd (Columbia) was awarded the Show Me Service Award - AmeriCorps Member of the Year (Central Region). The Missouri Community Service Commission recognizes a handful of AmeriCorps Members from Missouri who have shown exceptional dedication to service each year. Sean was selected by the Commission because of his exemplary leadership, the positive impact he has had on his clients, and his commitment to service and improving his community.



Matthew Mahaffey



## MISSOURI PUBLIC DEFENDER ASSOCIATION RECOGNITION

The Missouri Public Defender Association is an alumni organization and supports the mission of the Missouri State Public Defender System and nurtures relationships between current and former employees of the Missouri State Public Defender System to maintain their identity as advocates for the poor in the criminal justice system. The Association hopes to accomplish these purposes by promoting fairness through education of the legal community, the public, and elected officials. In 2024 the Association has been focusing on building its membership, growing its Missouri Public Defender Alumni Hall of Fame, and keeping its membership informed of MSPD news.

# APPROPRIATIONS

## General Revenue

Missouri State Public Defender (MSPD) funding is almost entirely from state general revenue funds. It comes in these appropriations:

### Personal Service

Used to pay the salaries of all MSPD employees.

### Expense & Equipment

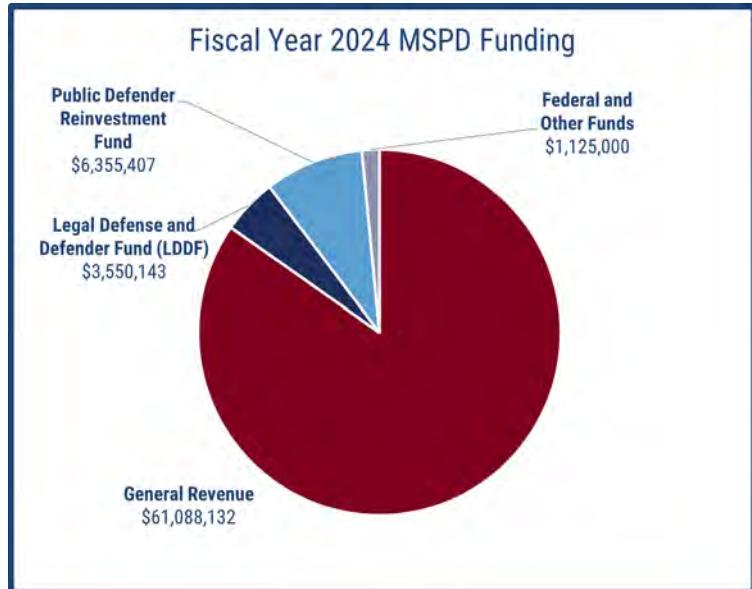
Used to pay the overhead costs of operations, such as office supplies and equipment, employee travel expenses, and rent and utilities for the statewide offices.

### Litigation & Contracting Expenses

Used to pay the cost of contracting cases out to private counsel and litigation expenses on both MSPD cases and those cases contracted out to private counsel. Litigation expenses include the cost of experts, depositions, transcripts, exhibits, independent testing of evidence, etc.

## Public Defender Reinvestment Fund

This appropriation is funded by the passage of Article XIV, Subsection 2.6(2) of Amendment 3 which creates the "Veterans, Health, and Community Reinvestment Fund", of which certain funds go to the Missouri State Public Defender. Subsection 2.6(2)(c)c states that "Any moneys credited to the Missouri Public Defender System shall be used only for legal assistance for low-income Missourians, shall not be diverted to any other purpose."



In FY24, MSPD received a total of \$61.09 million of general revenue funds, \$6.36 million in public defender reinvestment funds, and the authority to spend up to \$3.55 million in LDDF Collections. (Actual collections were \$2,639,444)

## Debt Offset Escrow Fund

This is not an appropriation of actual money, but an authorization for MSPD to collect funds through the state's debt offset program. Under this program, taxpayers due a refund of state income tax who owe a debt to the state may have their refund intercepted and used to pay down the debt instead. MSPD participates in this program to collect payments on the fees described above. The money collected through this program is not in addition to the LDDF collections, but a subset thereof.

## Federal and Other Funds

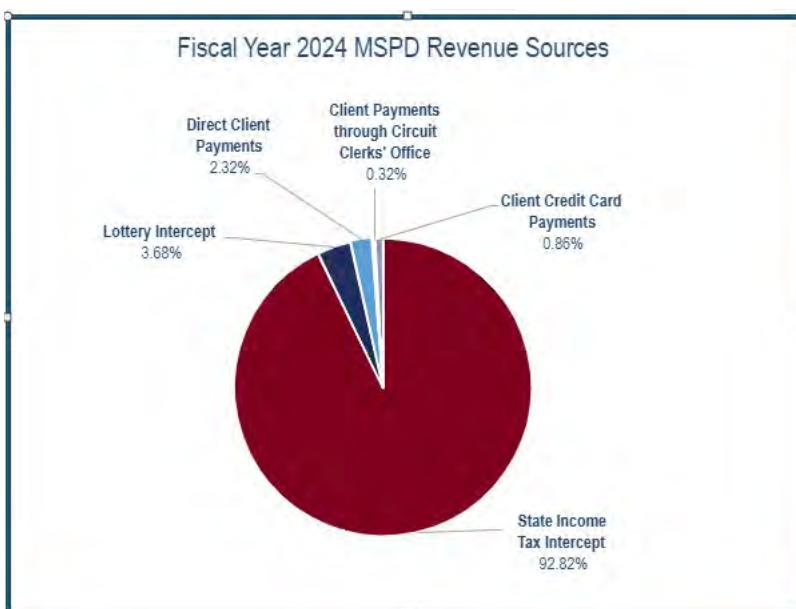
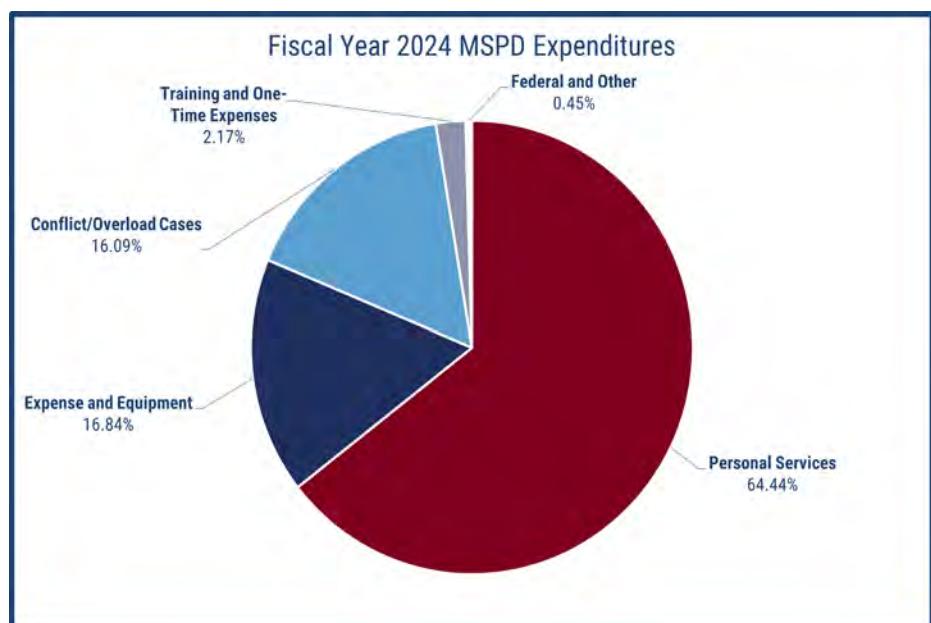
This appropriation is not actual funds but the authorization for MSPD to collect up to \$1,125,000 in grants from the federal government or other sources.

## Legal Defense and Defender Fund (LDDF)

This appropriation is not actual funds given to MSPD but the authorization to spend money collected by MSPD up to the ceiling of the appropriation. The collections associated with this fund are the result of Section 600.090 RSMo., which requires public defenders to collect fees from clients receiving public defender service. Fees are deposited into the Legal Defense and Defender Fund and used to fund all public defender training as well as pay for such miscellaneous expenditures as computer lines, WestLaw, bar dues for the system's attorneys, etc. In Fiscal Year 2024, MSPD collected \$2.64 million through client payments.

The personal service component of the LDDF appropriation authorizes MSPD to pay the salaries of two employees in the system's training department out of the moneys collected rather than through the general revenue personal services appropriation.

This graph is a breakdown of MSPD FY 24 expenditures by expense category. MSPD's biggest expenditure is paying the salary of all employees (Personal Services - 65%) followed by Expense and Equipment (17%), Conflict Counsel (16%), and Training and One-Time Expenses (2%).



MSPD is required by RSMo. 600.090 to collect fees from public defender clients for the indigent defense services provided to them. The fees are generally collected through two revenue streams. Approximately 93% of collections comes through State income tax refund intercepts by the Department of Revenue. The remainder is generally collected by courts (which collect payments of the Public Defender fees along with court costs at the close of a case), intercepts from State lottery winnings, and payments directly from the client.

# HOUSE BILL NO. 2012

[TRULY AGREED TO AND FINALLY PASSED]  
 SS FOR SCS FOR HCS FOR HB2012  
 102ND GENERAL ASSEMBLY  
 SIGNED BY GOVERNOR – NO VETOES

## FISCAL YEAR 2025 APPROPRIATION

Section 12.400. To the Office of the State Public Defender  
 For funding the State Public Defender System

Personal Service and/or Expense and Equipment  
 From General Revenue Fund (0101).....\$57,848,556

For payment of expenses as provided by Chapter 600, RSMo, associated  
 with the defense of violent crimes and/or the contracting of  
 criminal representation with entities outside of the Missouri  
 Public Defender System  
 From General Revenue Fund (0101).....4,736,344

Expense and Equipment  
 From Public Defender Reinvestment Fund (0641).....9,098,619  
 For expenses authorized by the Public Defender Commission as provided  
 by Section 600.090, RSMo

Personal Service.....170,141  
 Expense and Equipment.....3,385,278  
 From Legal Defense and Defender Fund (0670).....3,555,419

For refunds set-off against debts as required by Section 143.786, RSMo  
 From Debt Offset Escrow Fund (0753).....2,450,000

For all grants and contributions of funds from the federal government or  
 from any other source which may be deposited in the State  
 Treasury for the use of the Office of the State Public Defender  
 From Office of State Public Defender – Federal Fund (0112).....1,125,000  
 Total (Not to exceed 696.13 F.T.E).....\$78,813,938

# MSPD

*Missouri State Public Defender*

## APPENDIX A

*Case Type by County*

# 2024

## ANNUAL REPORT

# Index

counties listed alphabetically

<i>Introduction</i>	3
A	4
B	6
C	10
D	18
F	21
G	22
H	24
I	27
J	27

K	29
L	30
M	33
N	39
O	41
P	42
R	47
S	49
T	57
V	58
W	58

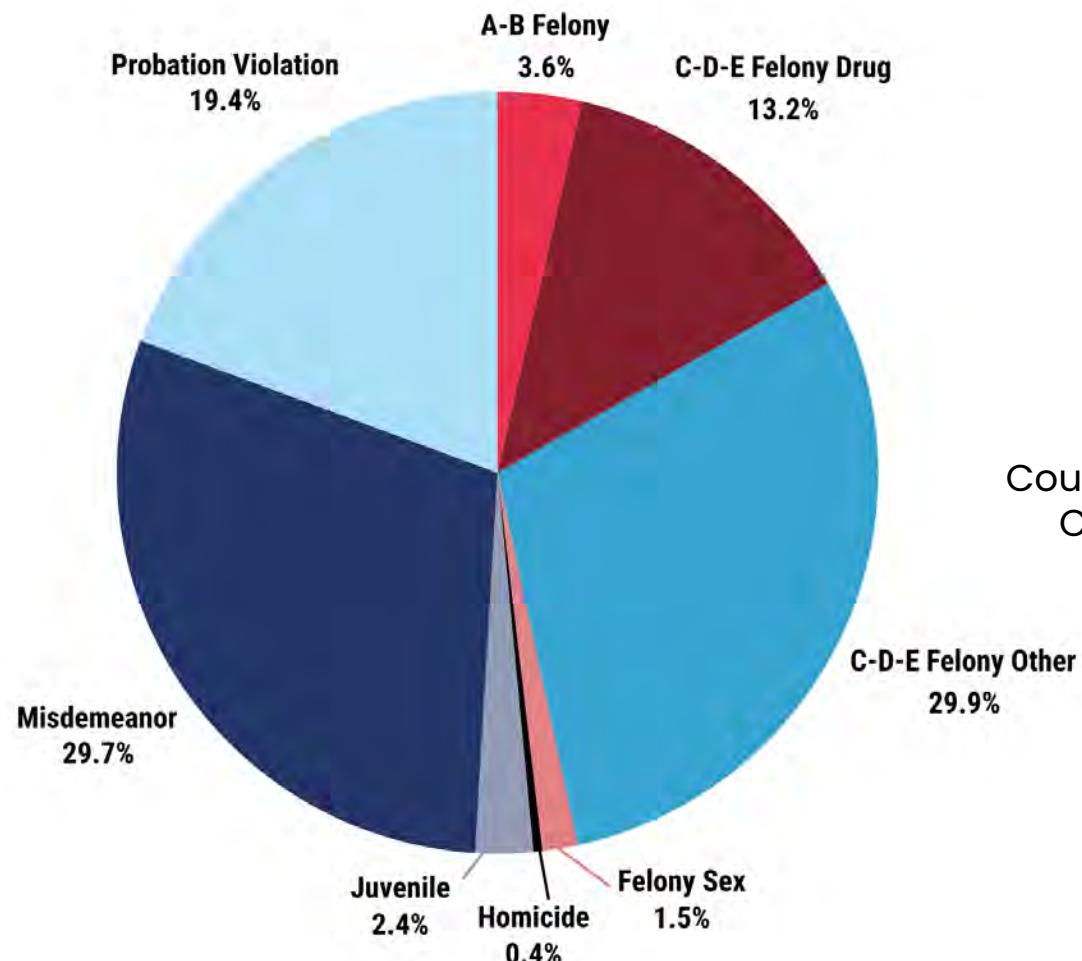


# Introduction

This appendix provides detailed information on the types of cases MSPD Trial Offices initiated in each of Missouri's counties and the City of St. Louis in FY 24.

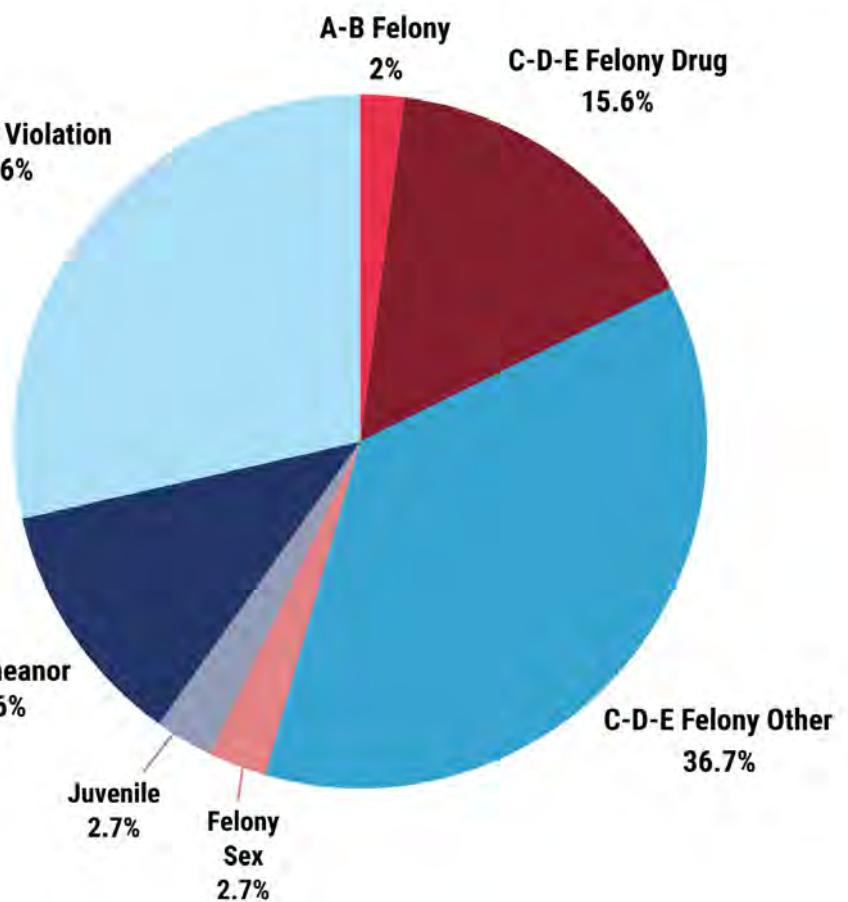
The case type categories used in this report catalogue thousands of criminal code offenses into several main categories. Oftentimes, cases are filed with more than one charge. When this happens, MSPD categorizes the case based on the lead, or most serious, charge. The chart below provides definitions of each of MSPD's case type categories.

Case Type Category	Definition
A-B Felony	A-B felonies are the highest level of felony charge. This category includes all A-B felony charges except homicides and sex charges. Examples include Robbery in the first or second degree, Assault in the first or second degree, and certain severe drug offenses.
C-D-E Felony Drug	These felonies are lower-level felonies where a drug-related charge is the lead charge. The majority of these charges are Possession of a Controlled Substance.
C-D-E Felony Other	These felonies involve all C-D-E level felonies other than drug cases. Examples include Burglary in the second degree, Tampering in the first degree, Unlawful Possession of a Firearm, and Theft/Stealing.
Felony Sex	These cases involve felony-level sex offense charges. Examples include Rape, Statutory Sodomy, and Possession of Child Pornography.
Homicide	Charges involving the death of another are included in this category. Examples range from Murder in the first degree to Involuntary Manslaughter.
Misdemeanor	A-C Misdemeanors are included in this category. Misdemeanors are the lowest level of criminal charge in Circuit Court. Examples include Driving while Revoked, Trespass, Unlawful Possession of Paraphernalia, and Peace Disturbance.
Juvenile	These cases involve delinquency or status offense charges brought against children (under the age of 18) and initiated in the juvenile court.
Probation Violation	MSPD represents clients facing a probation violation when due process mandates representation, which typically occurs when the accused faces a substantial risk of jail or prison time.



# ADAIR

County Population: 25,314  
Cases Initiated: 538

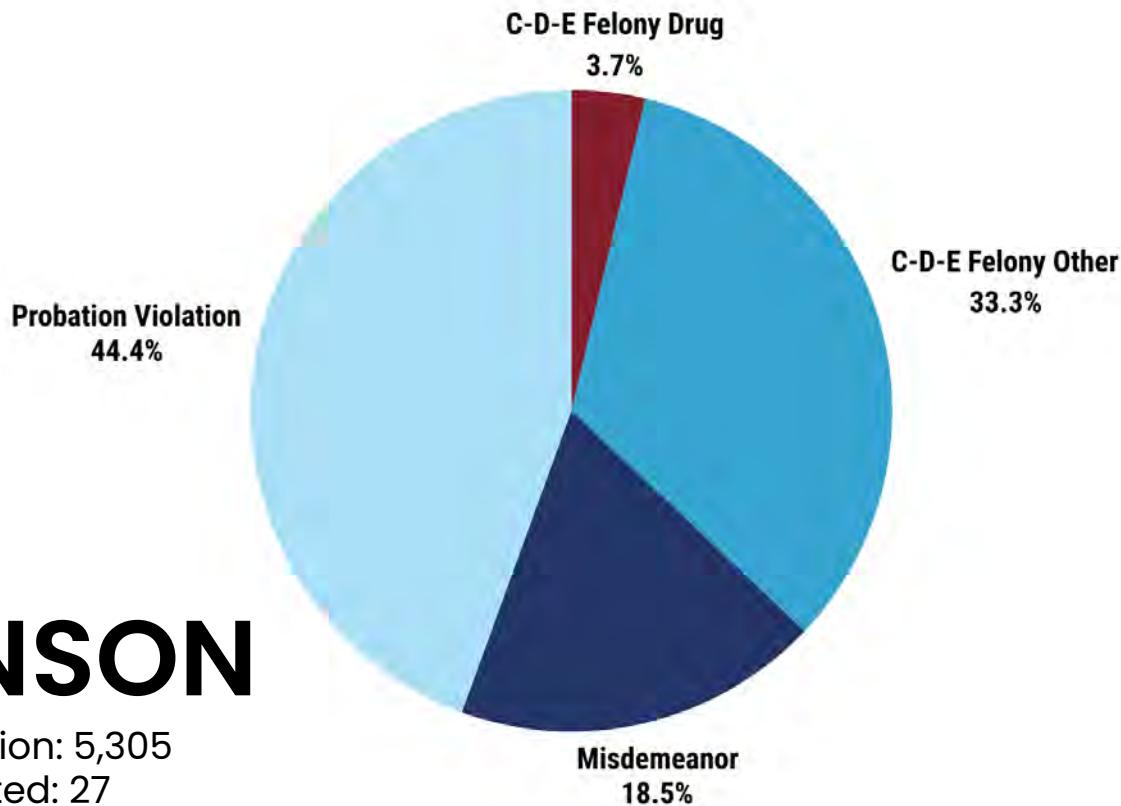


# ANDREW

County Population: 18,135  
Cases Initiated: 146

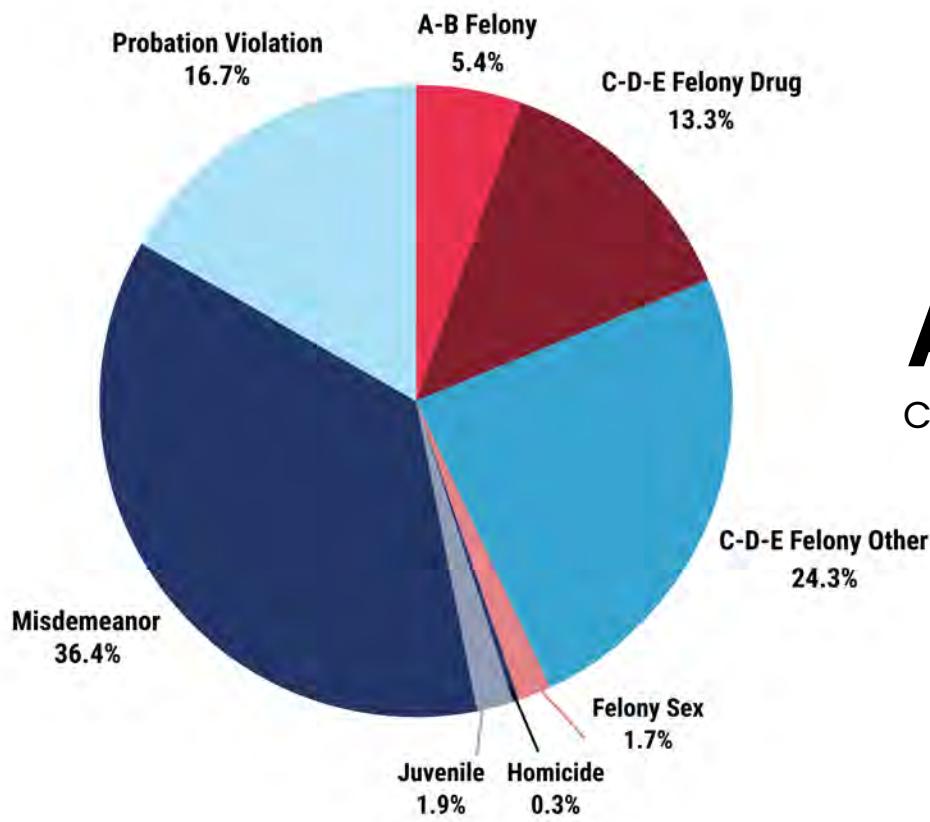
# ATCHINSON

County Population: 5,305  
Cases Initiated: 27



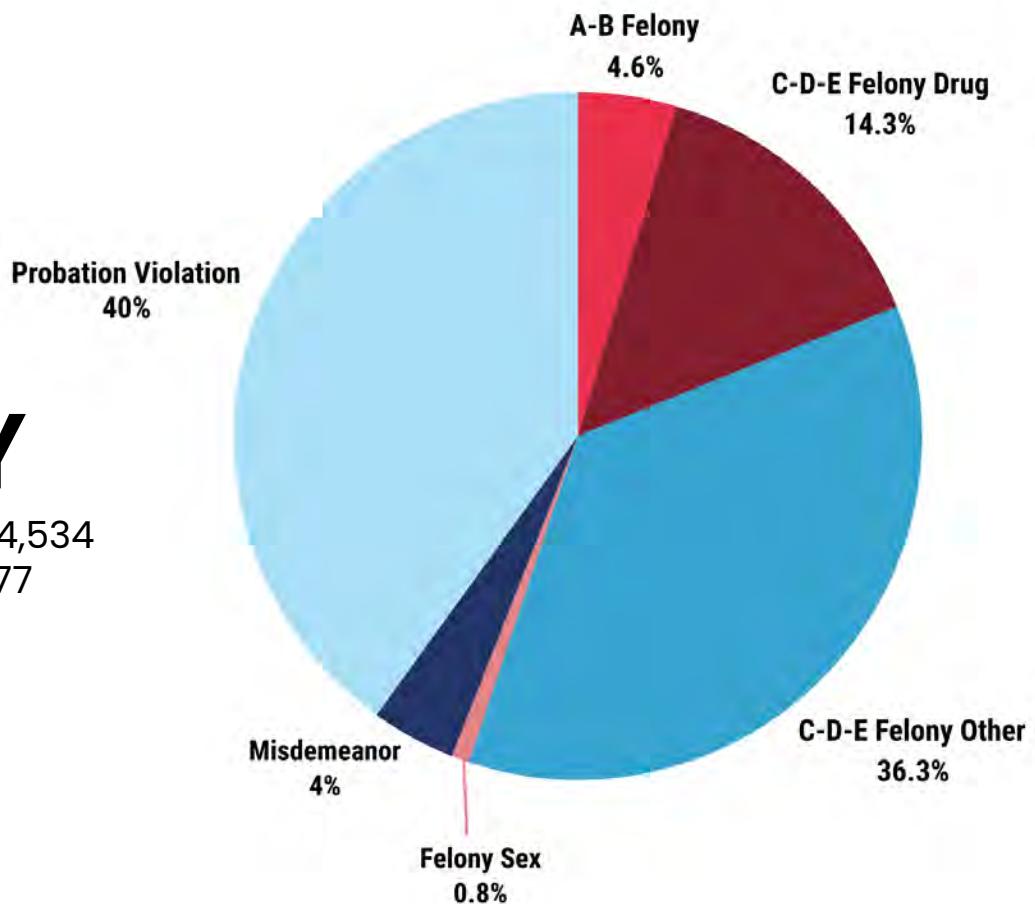
# AUDRAIN

County Population: 24,962  
Cases Initiated: 693



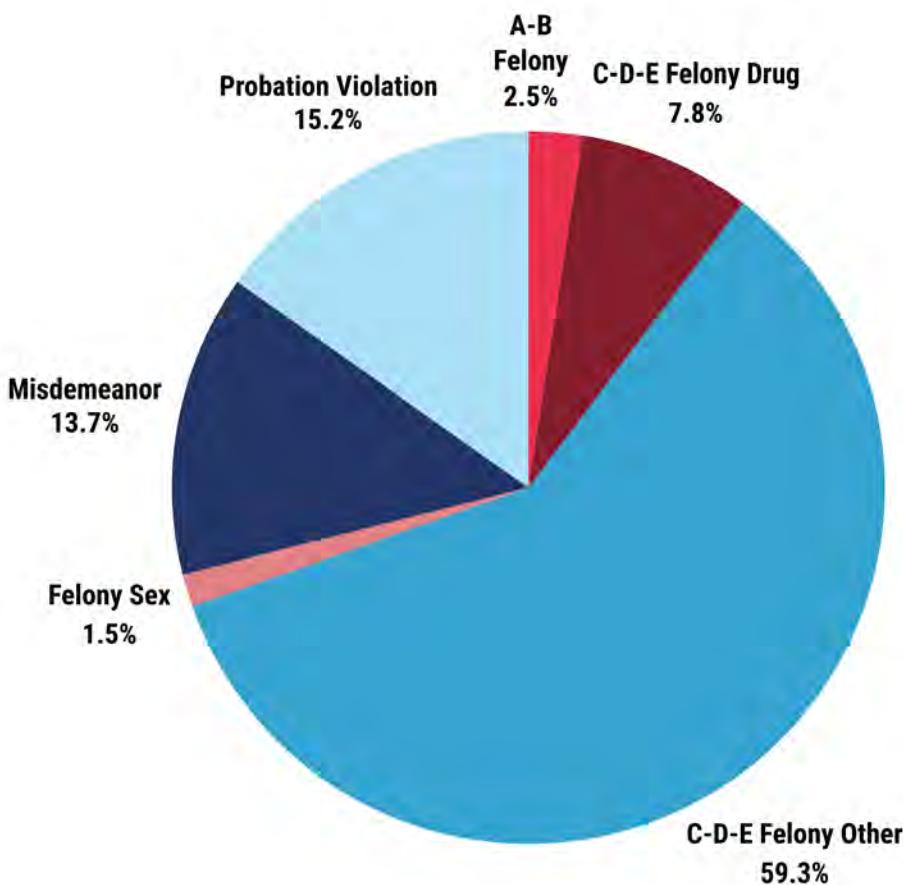
# BARRY

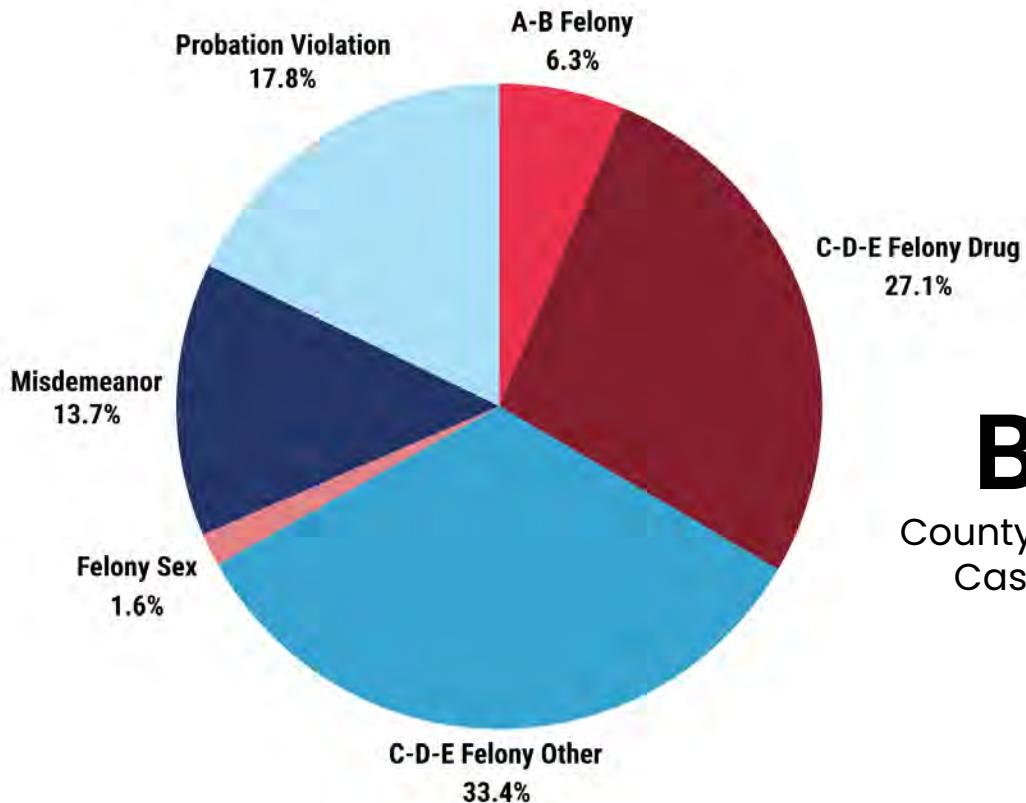
County Population: 34,534  
Cases Initiated: 477



# BARTON

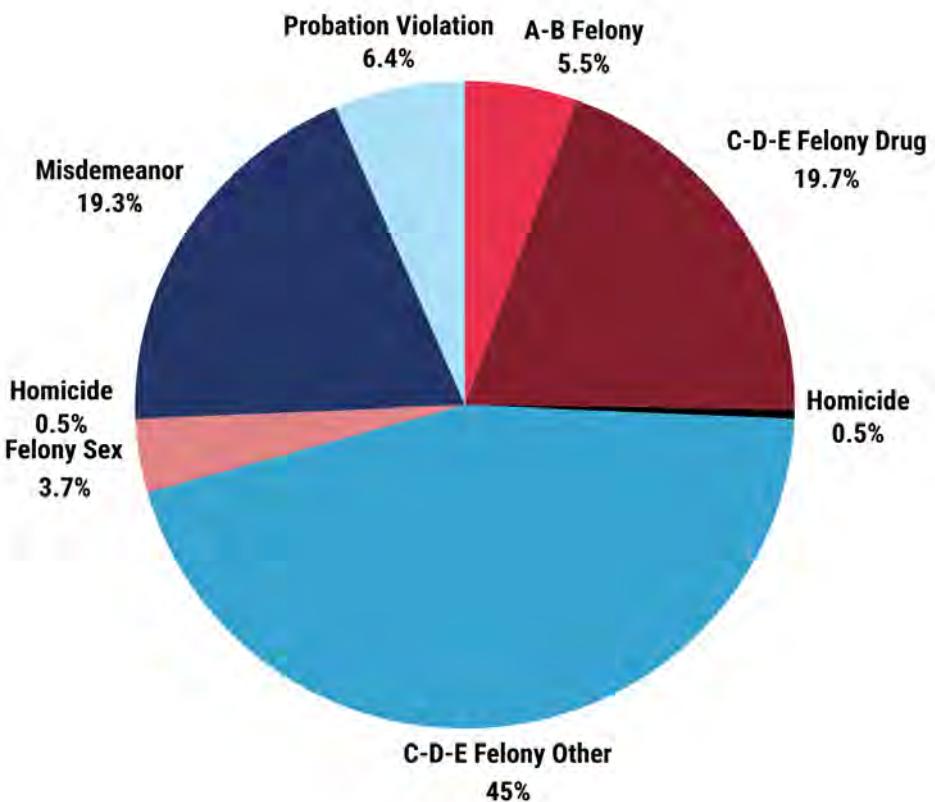
County Population: 11,637  
Cases Initiated: 204





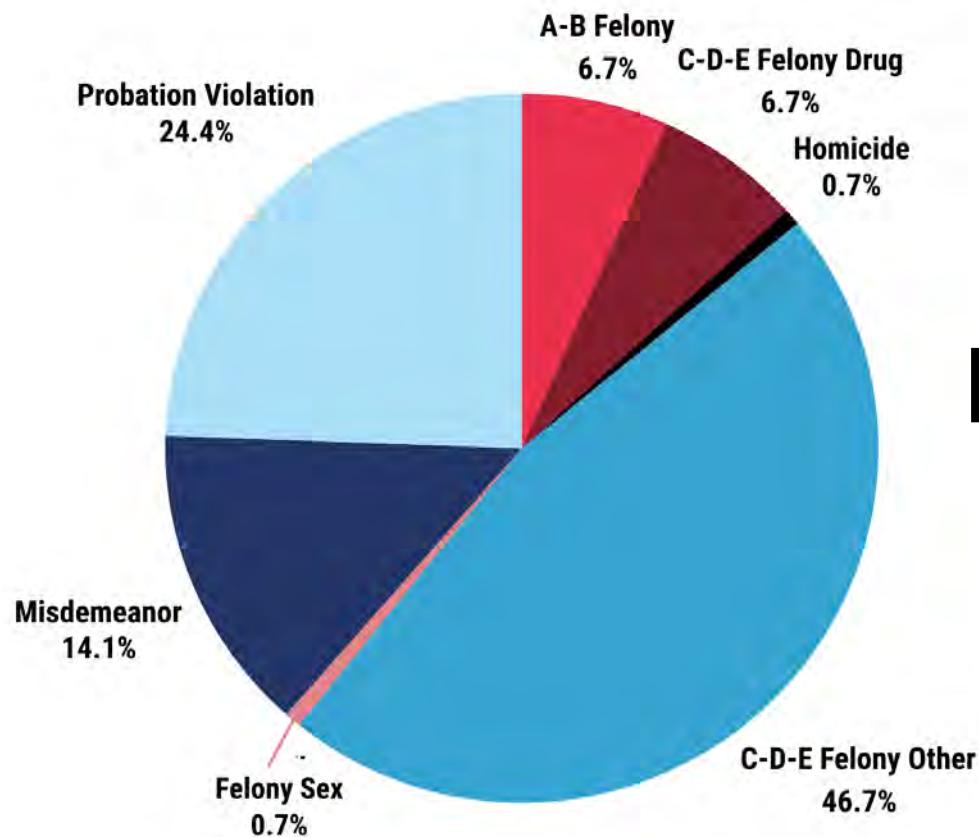
## BATES

County Population: 16,042  
Cases Initiated: 366



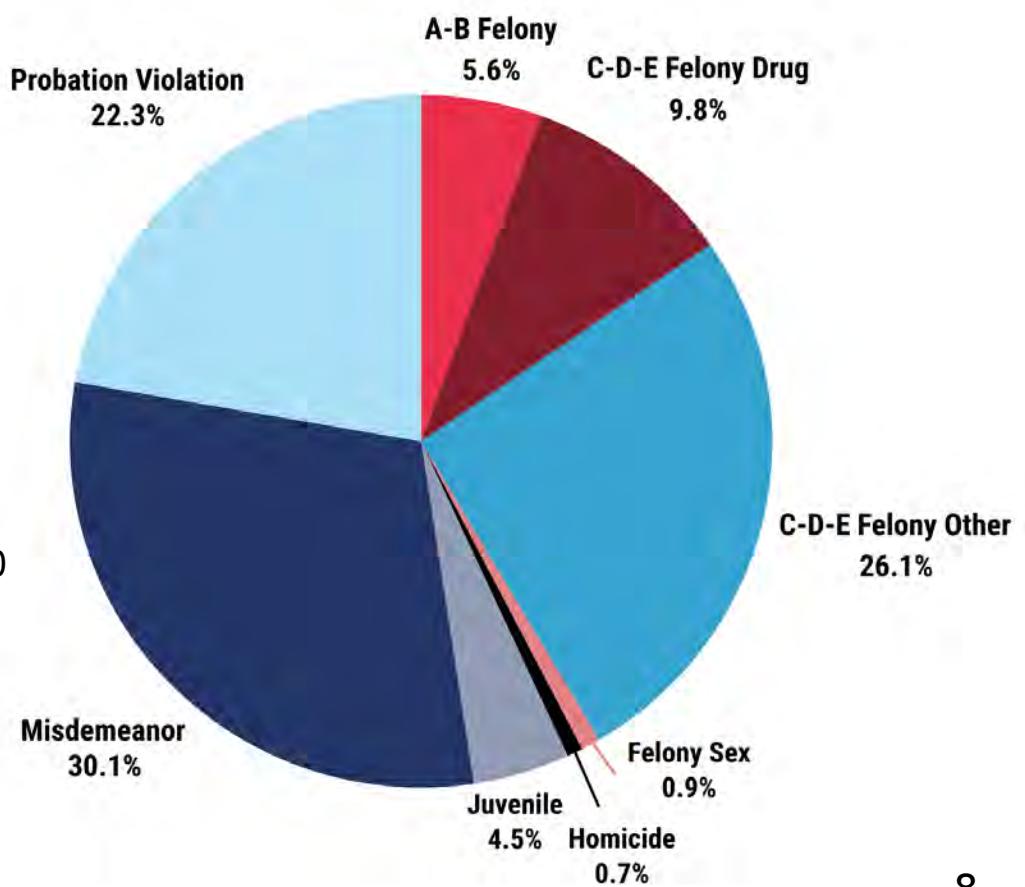
## BENTON

County Population: 19,394  
Cases Initiated: 218



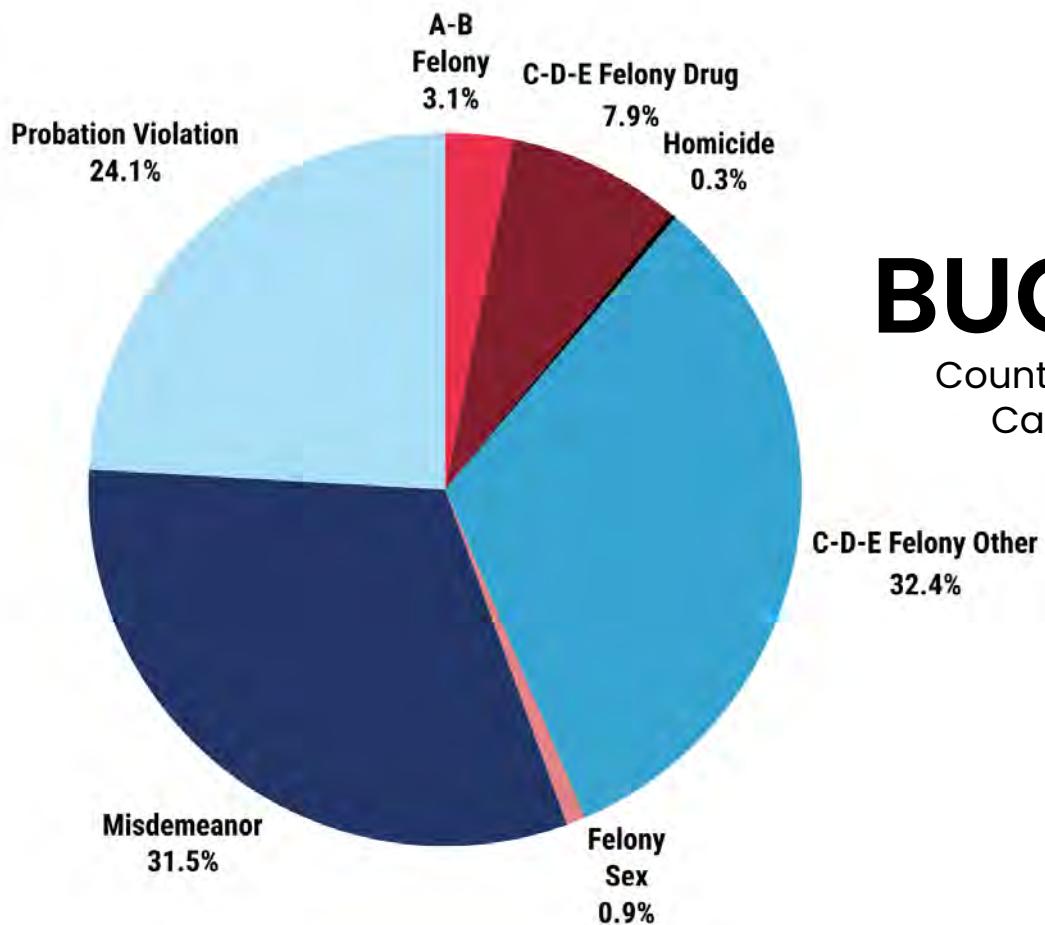
# BOLLINGER

County Population: 10,567  
Cases Initiated: 136



# BOONE

County Population: 183,610  
Cases Initiated: 2,606

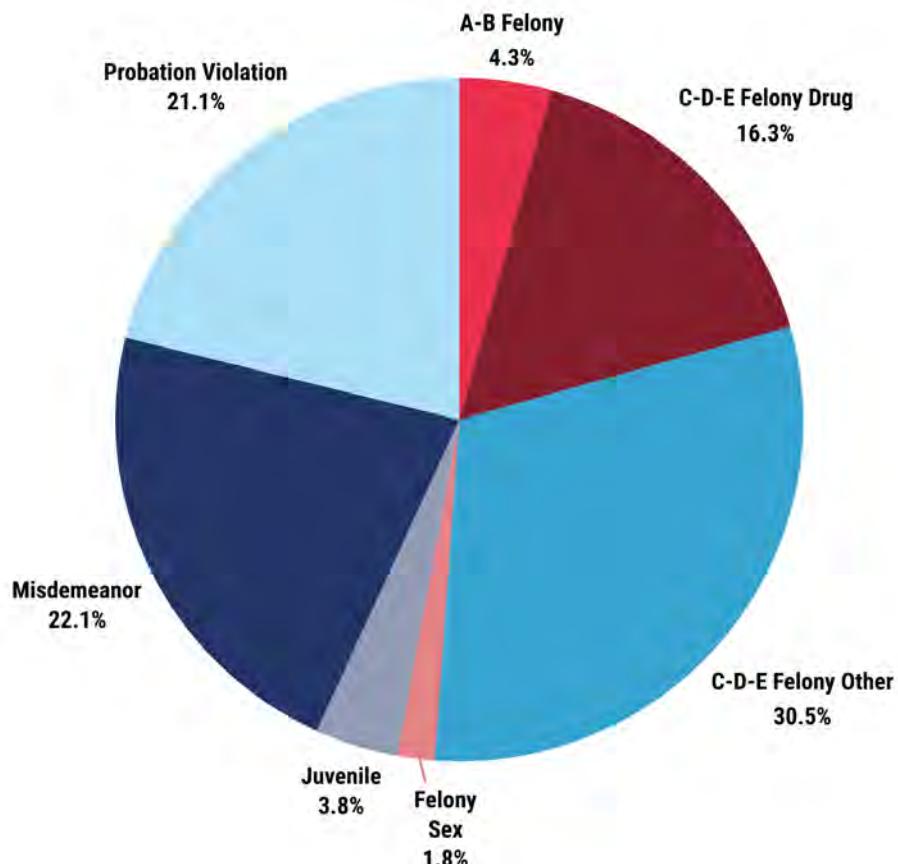


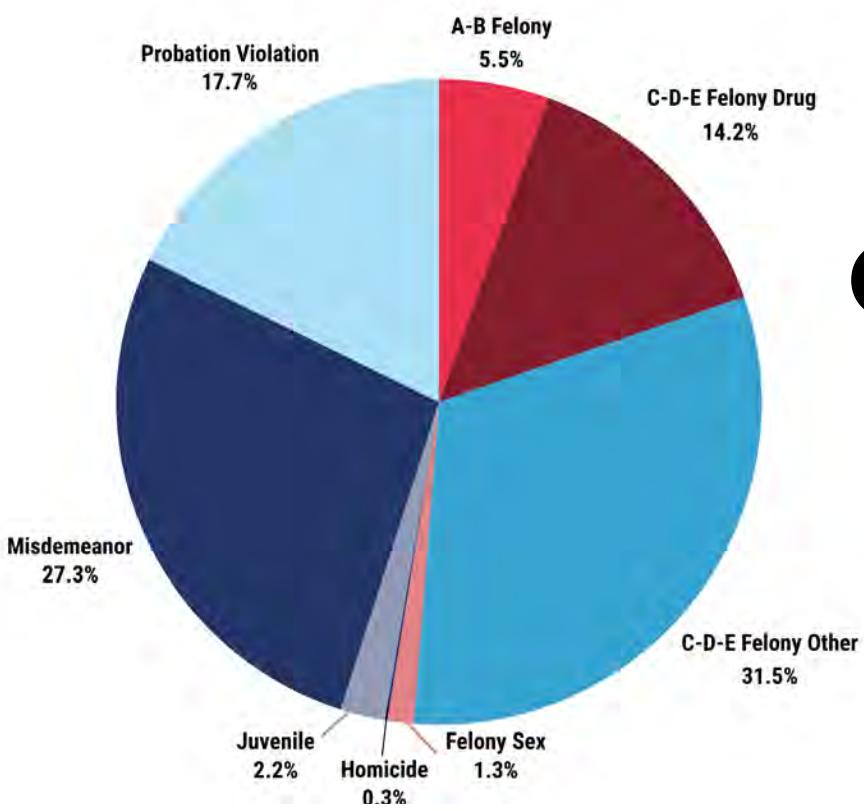
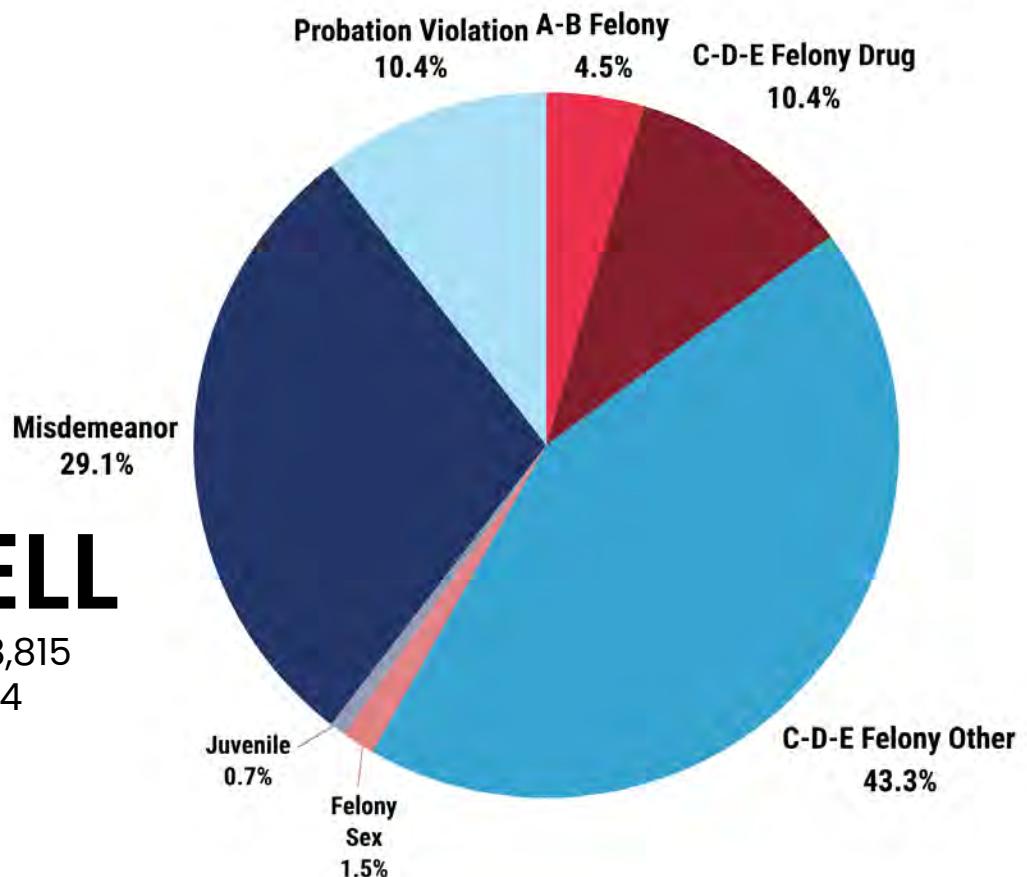
# BUCHANAN

County Population: 84,793  
Cases Initiated: 1,170

# BUTLER

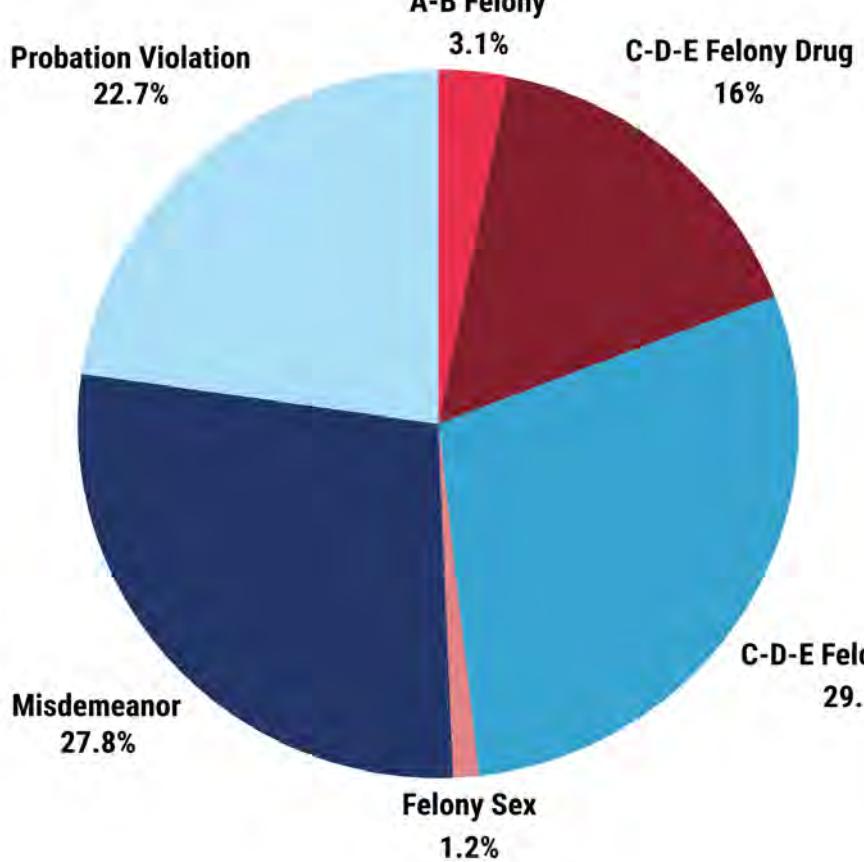
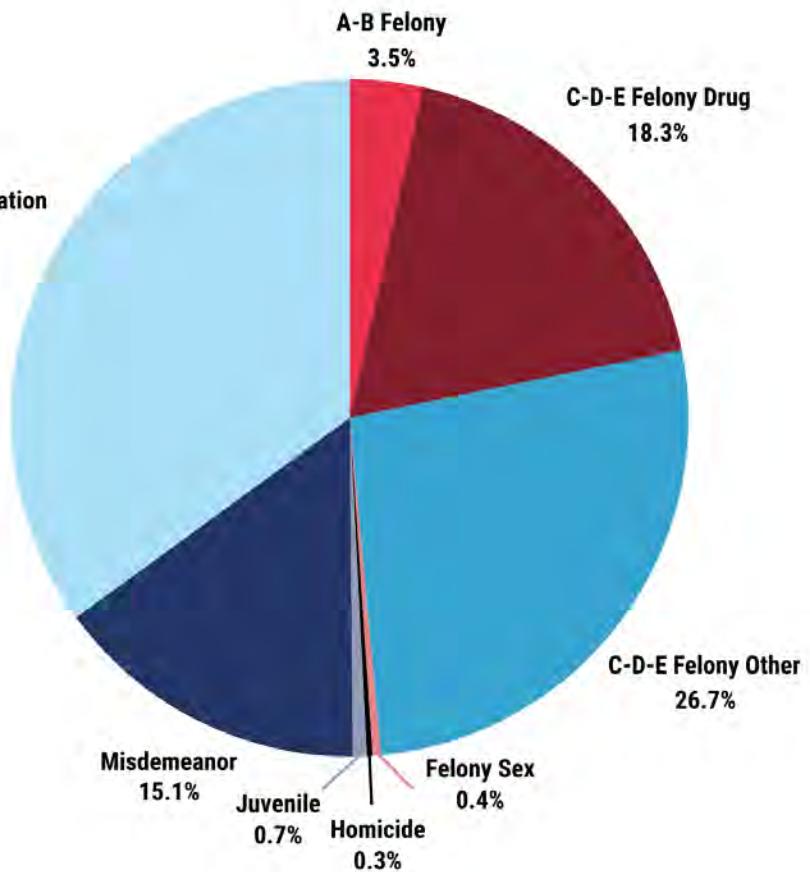
County Population: 42,130  
Cases Initiated: 982





# CAMDEN

County Population: 42,745  
Cases Initiated: 748



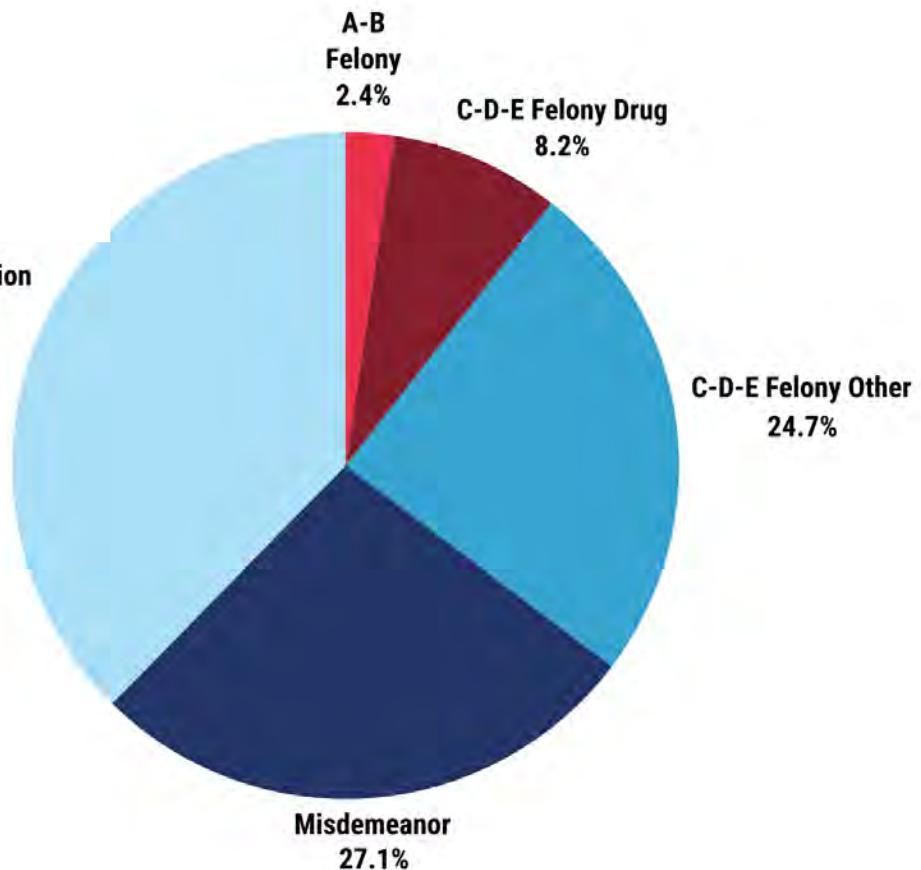
# CAPE GIRARDEAU

County Population: 81,710  
Cases Initiated: 1,402

# CARROLL

County Population: 8,495

Cases Initiated: 85



Misdemeanor  
7.1%

Juvenile  
6%

Felony Sex  
4.8%

Probation Violation  
17.9%

A-B Felony  
2.4%

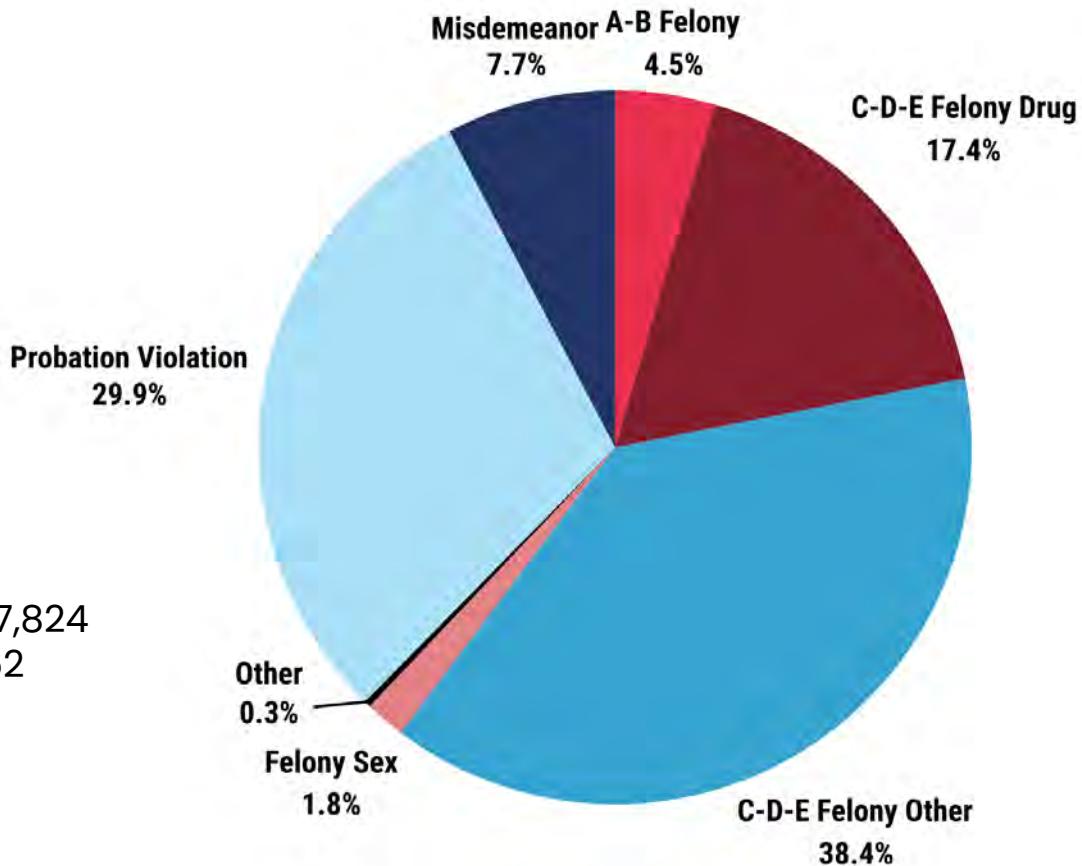
C-D-E Felony Drug  
17.9%

# CARTER

County Population: 5,202  
Cases Initiated: 84

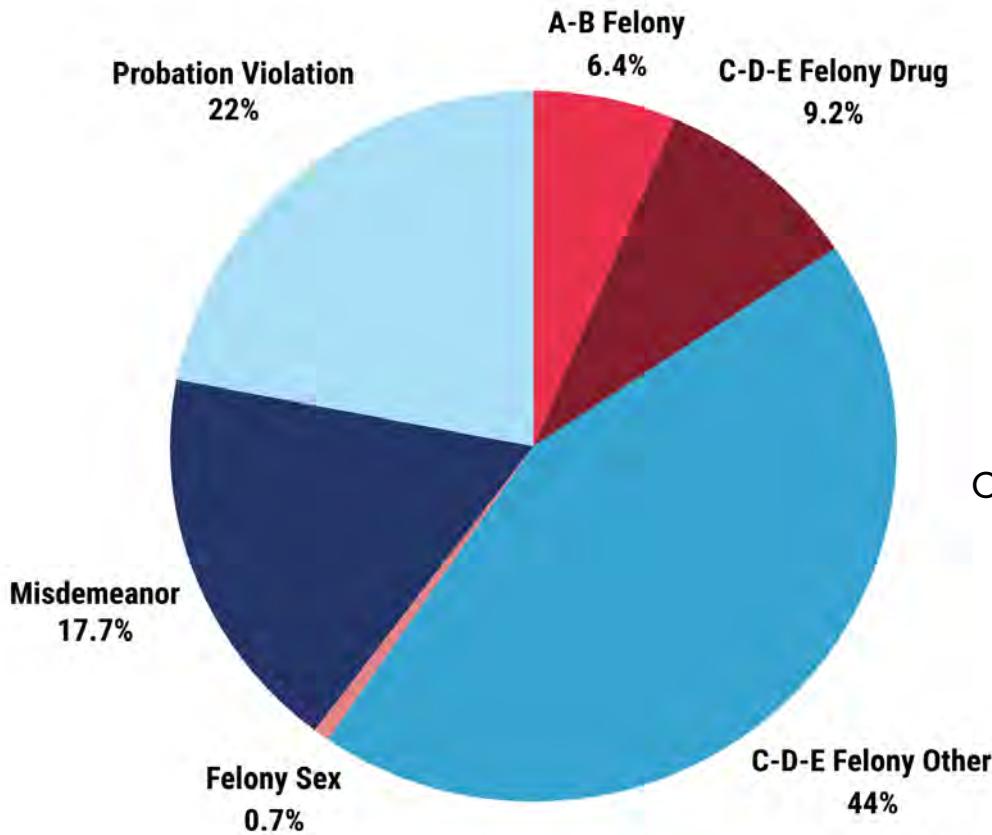
# CASS

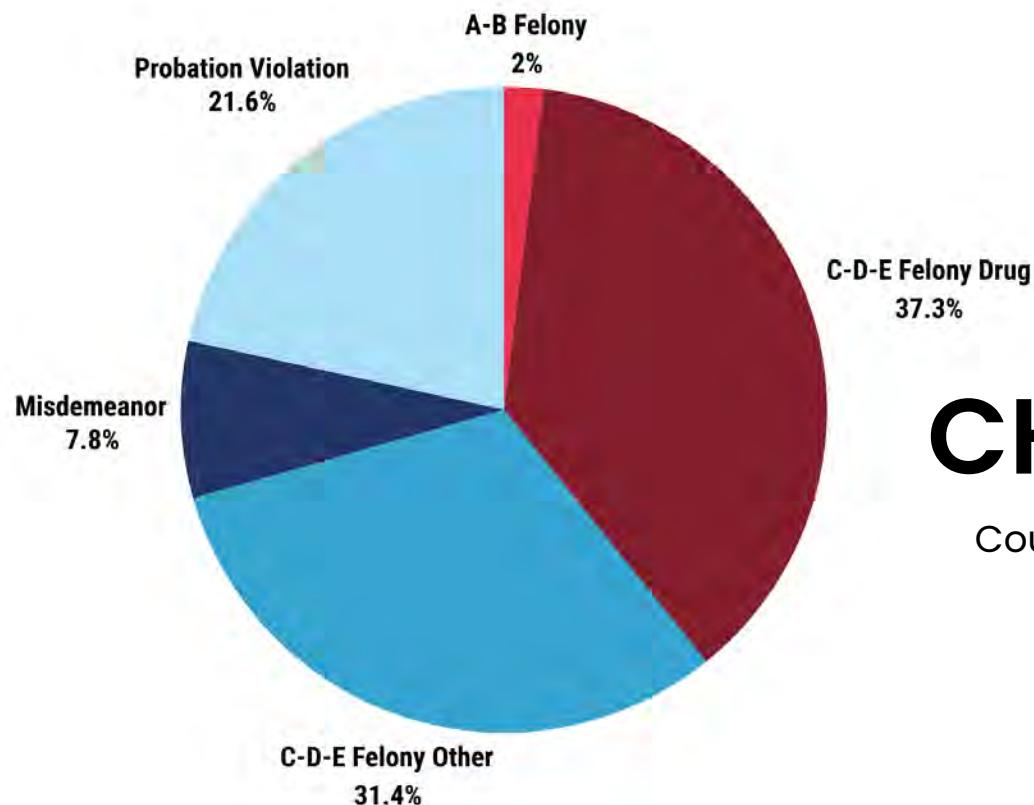
County Population: 107,824  
Cases Initiated: 662



# CEDAR

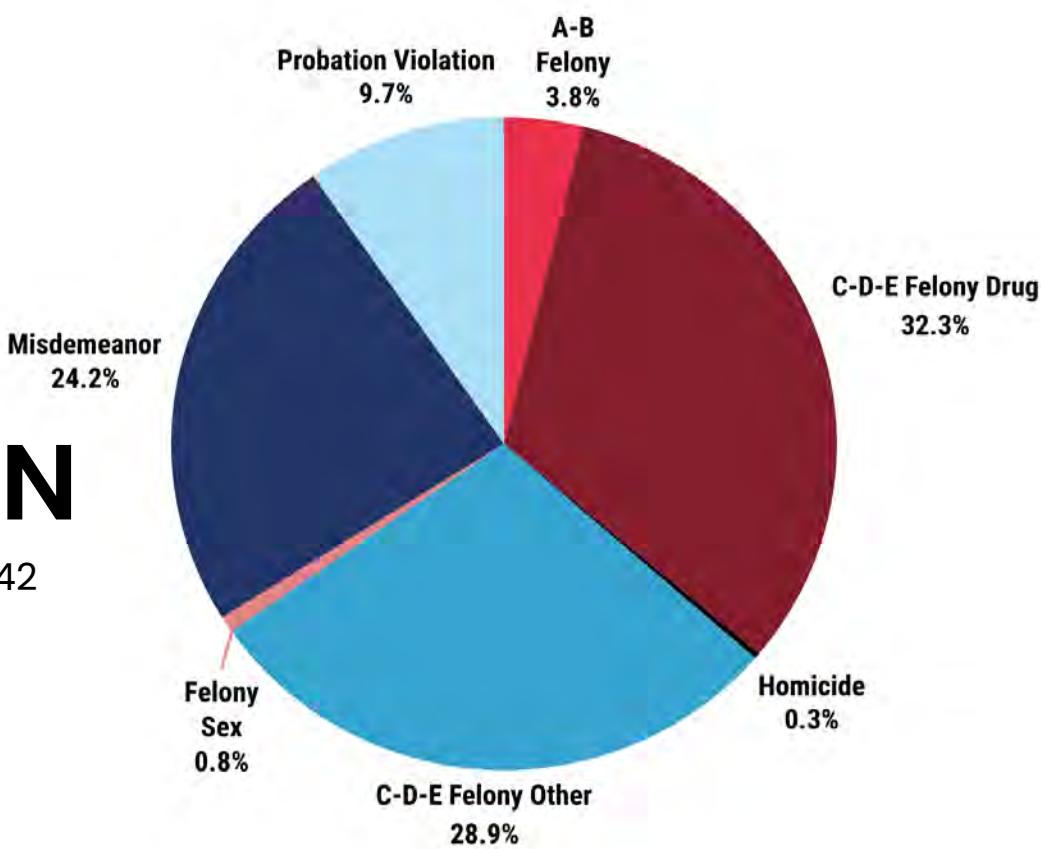
County Population: 14,188  
Cases Initiated: 141





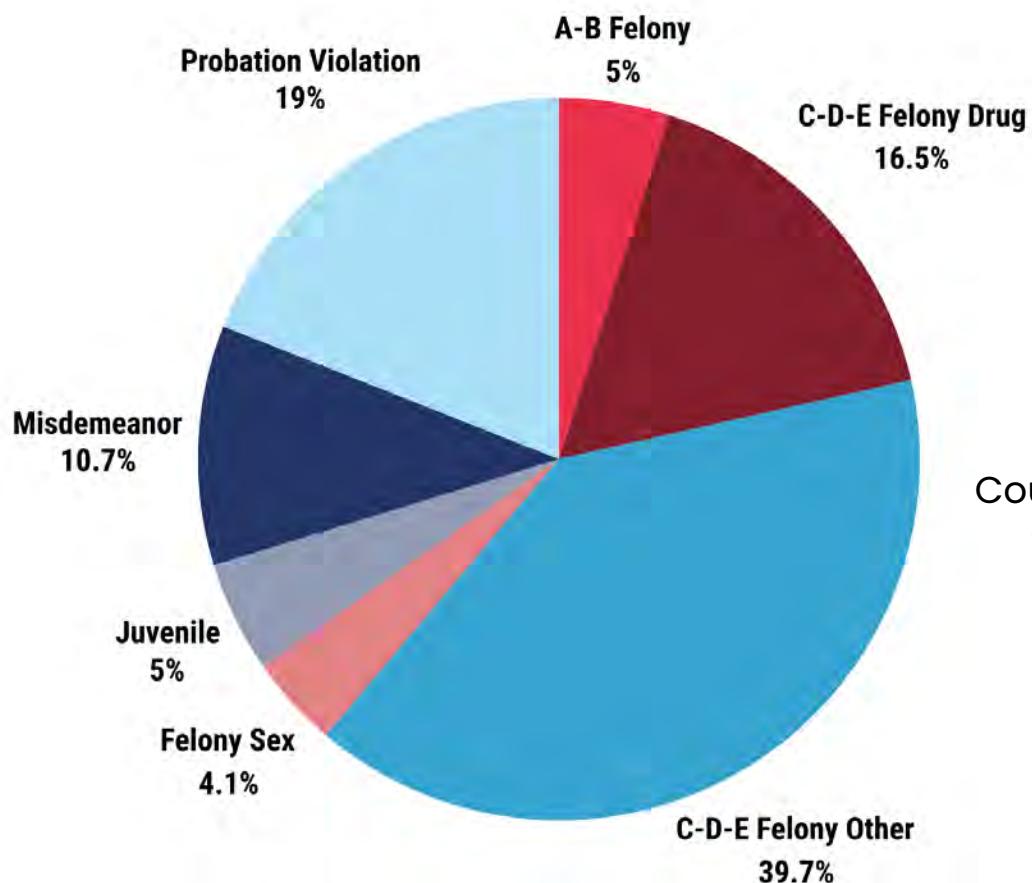
# CHARITON

County Population: 7,408  
Cases Initiated: 51



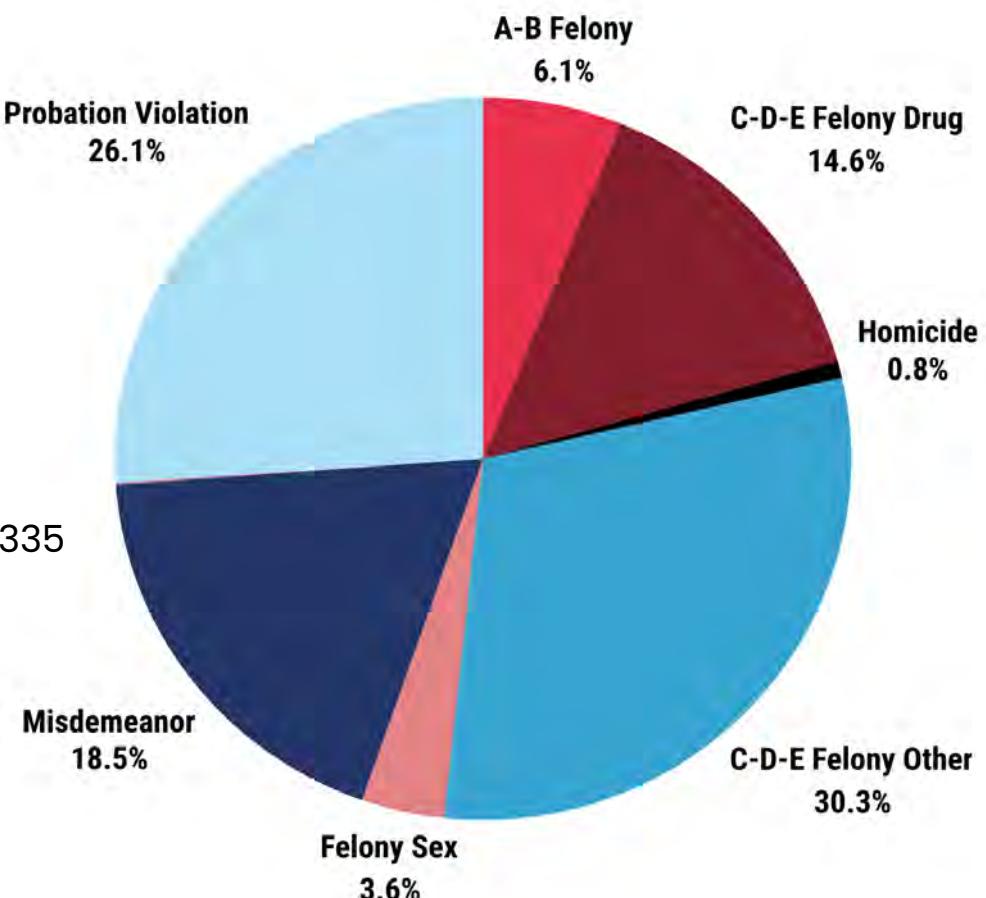
# CHRISTIAN

County Population: 88,842  
Cases Initiated: 739



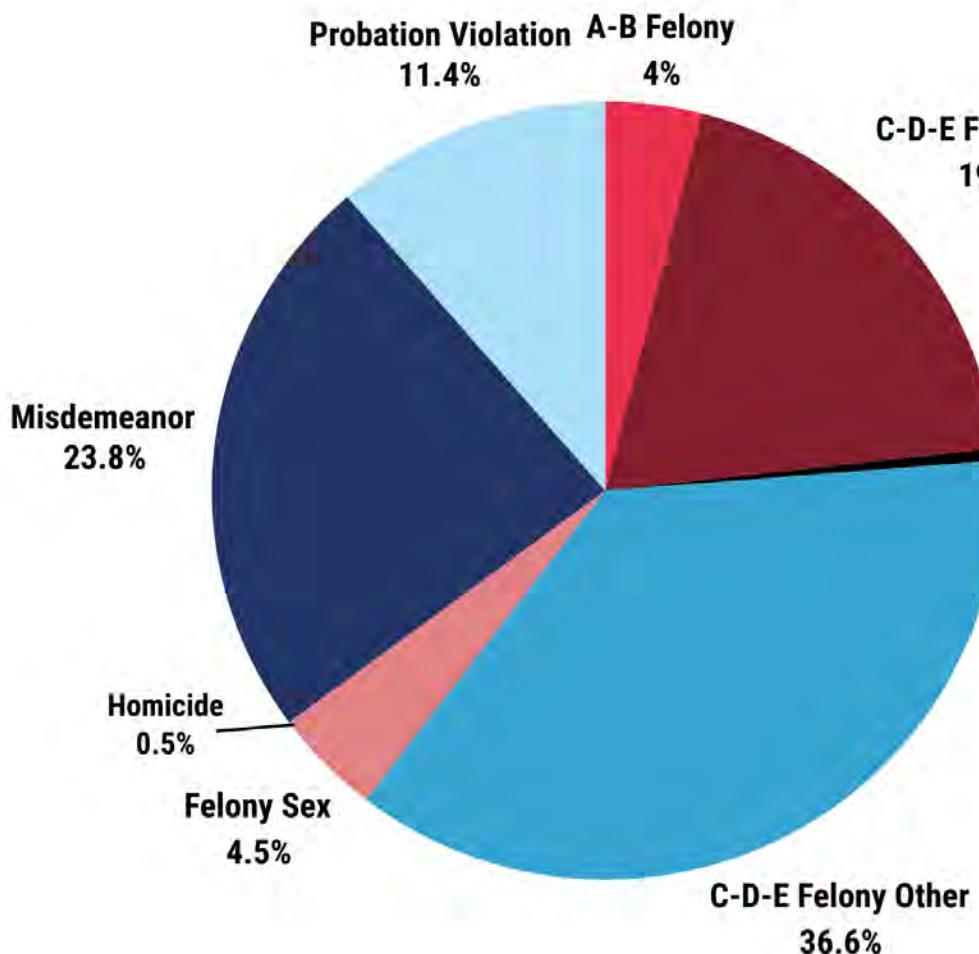
## CLARK

County Population: 6,634  
Cases Initiated: 122



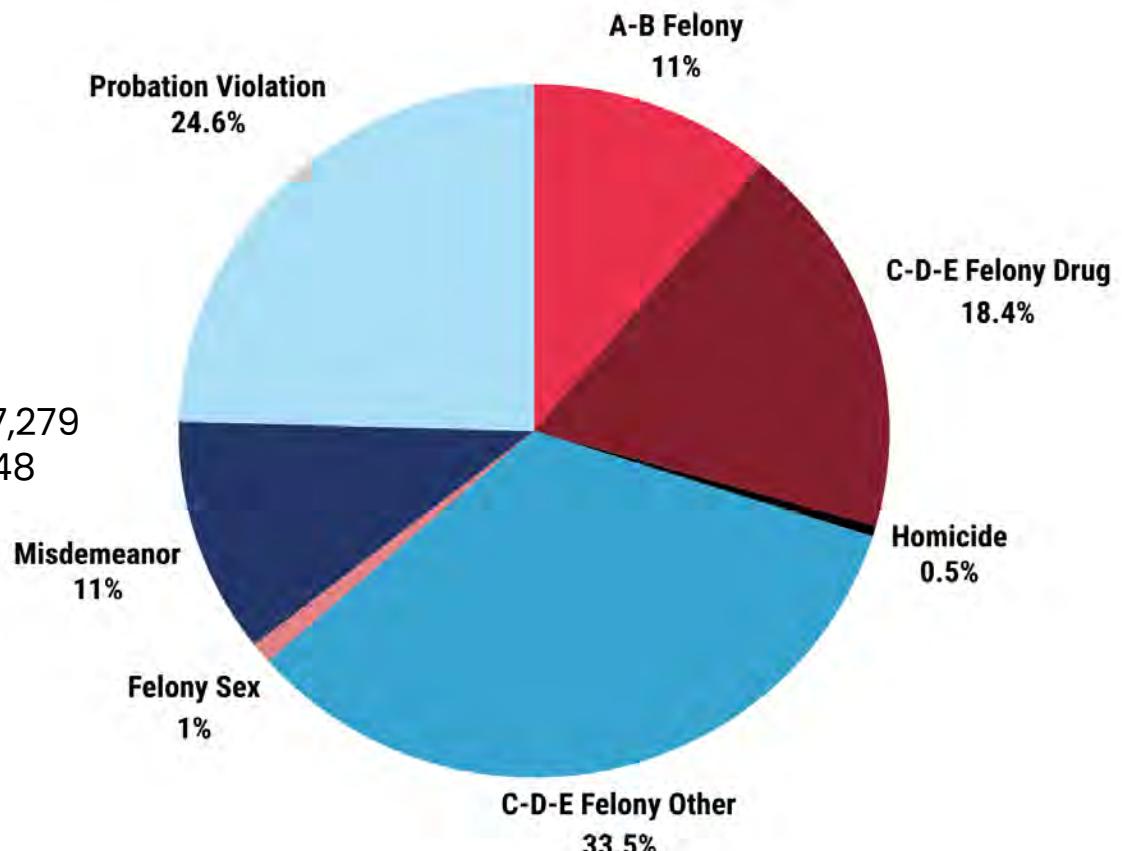
## CLAY

County Population: 253,335  
Cases Initiated: 1,185



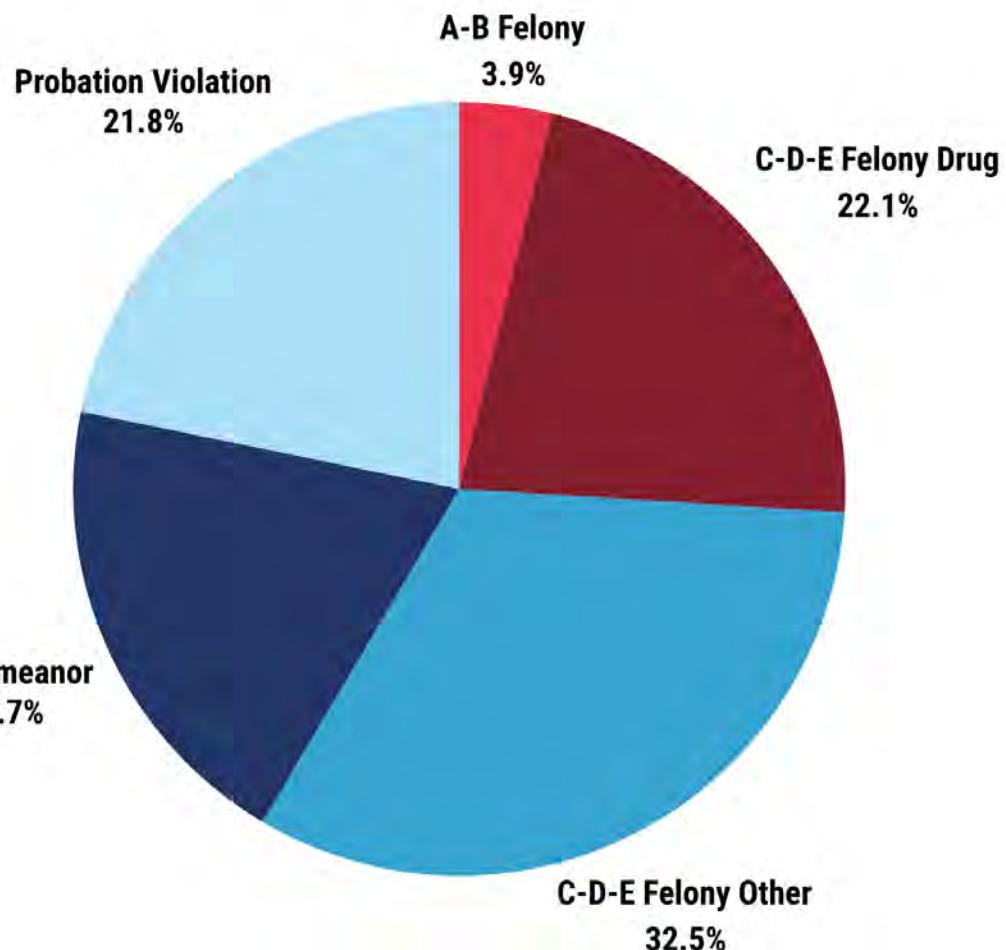
**CLINTON**  
 County Population: 21,184  
 Cases Initiated: 204

**COLE**  
 County Population: 77,279  
 Cases Initiated: 1,048

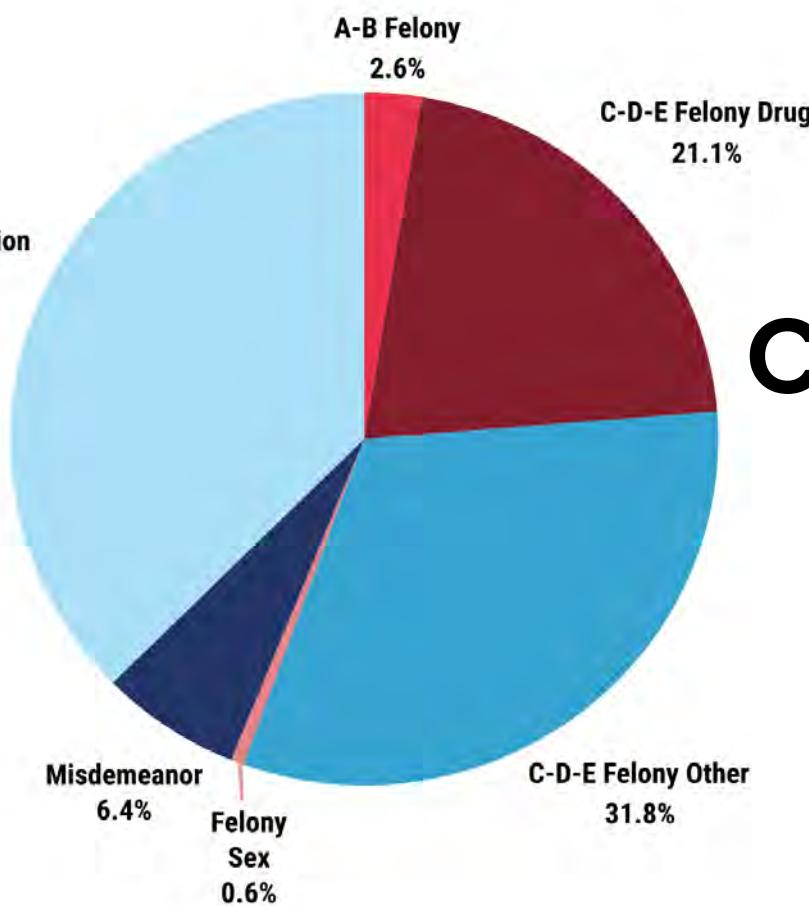


# COOPER

County Population: 17,103  
Cases Initiated: 337



Probation Violation  
37.4%

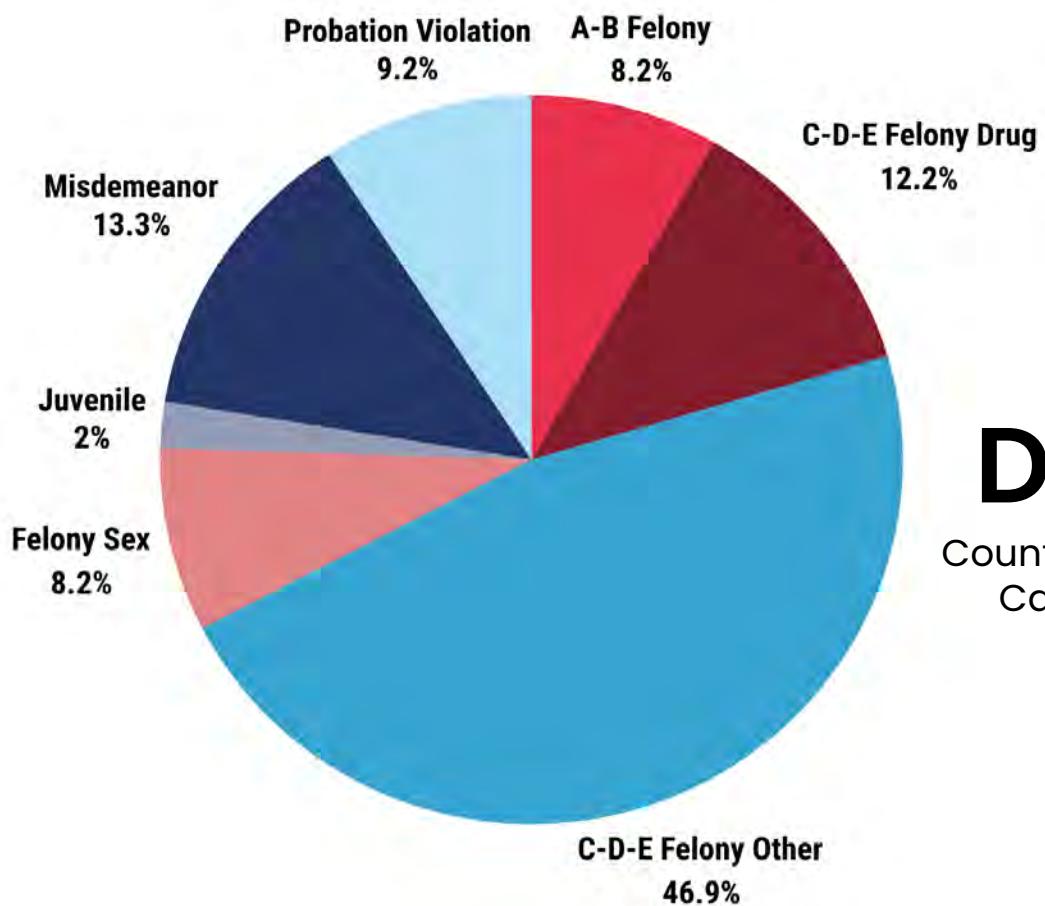
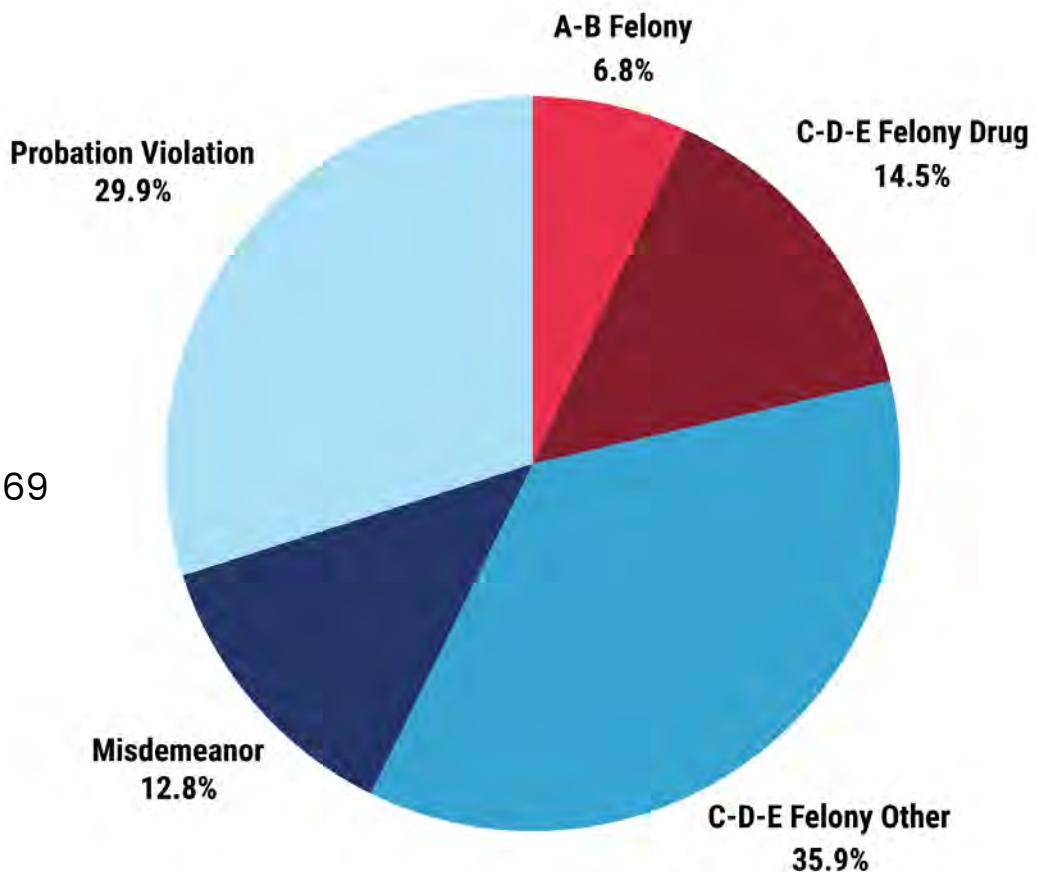


# CRAWFORD

County Population: 23,056  
Cases Initiated: 587

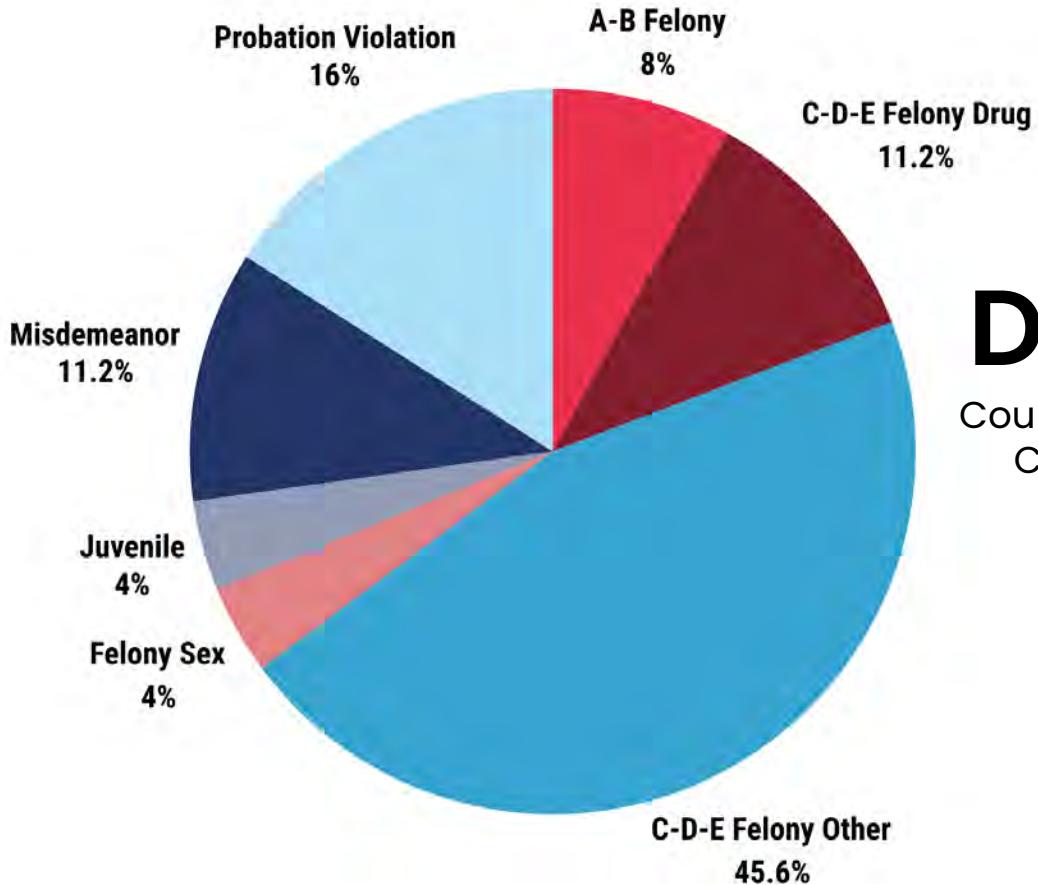
# DADE

County Population: 7,569  
Cases Initiated: 117



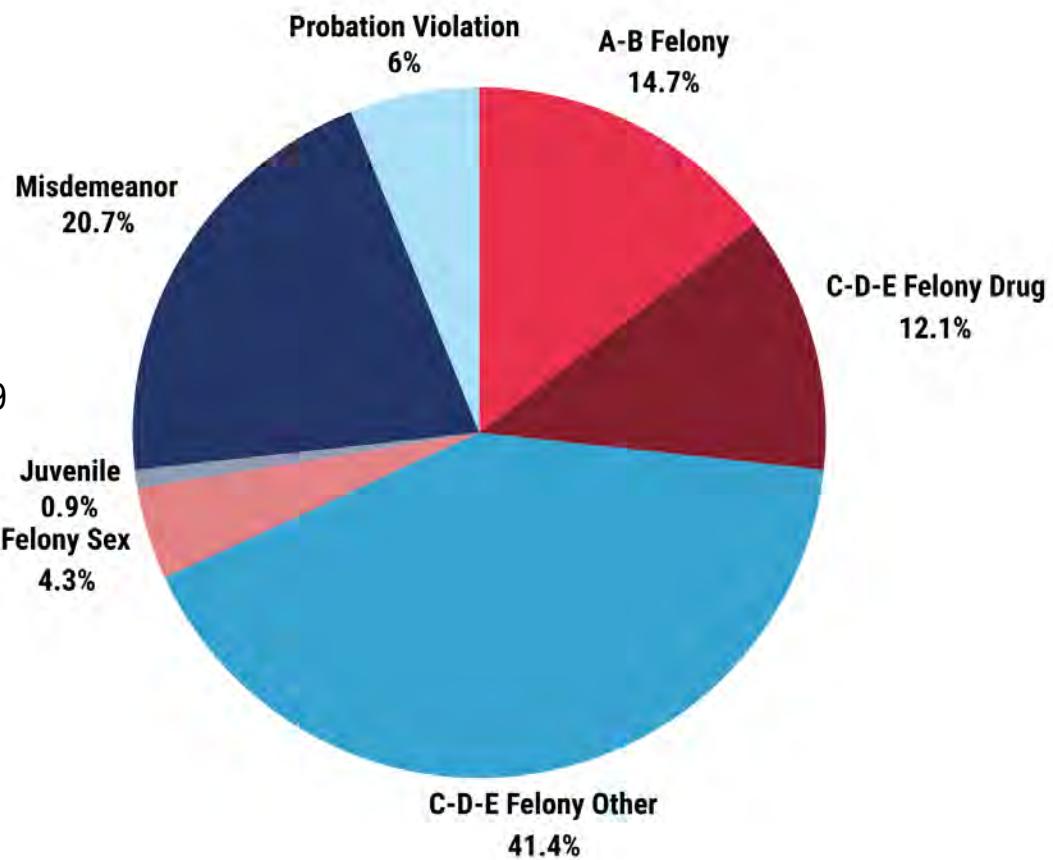
# DALLAS

County Population: 17,071  
Cases Initiated: 98



## DAVIESS

County Population: 8,430  
Cases Initiated: 125

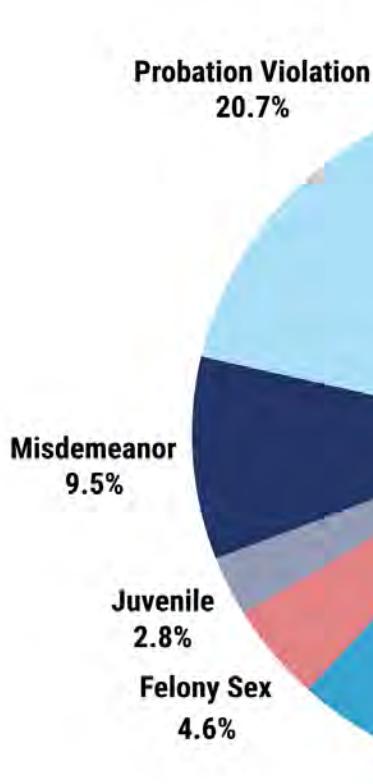
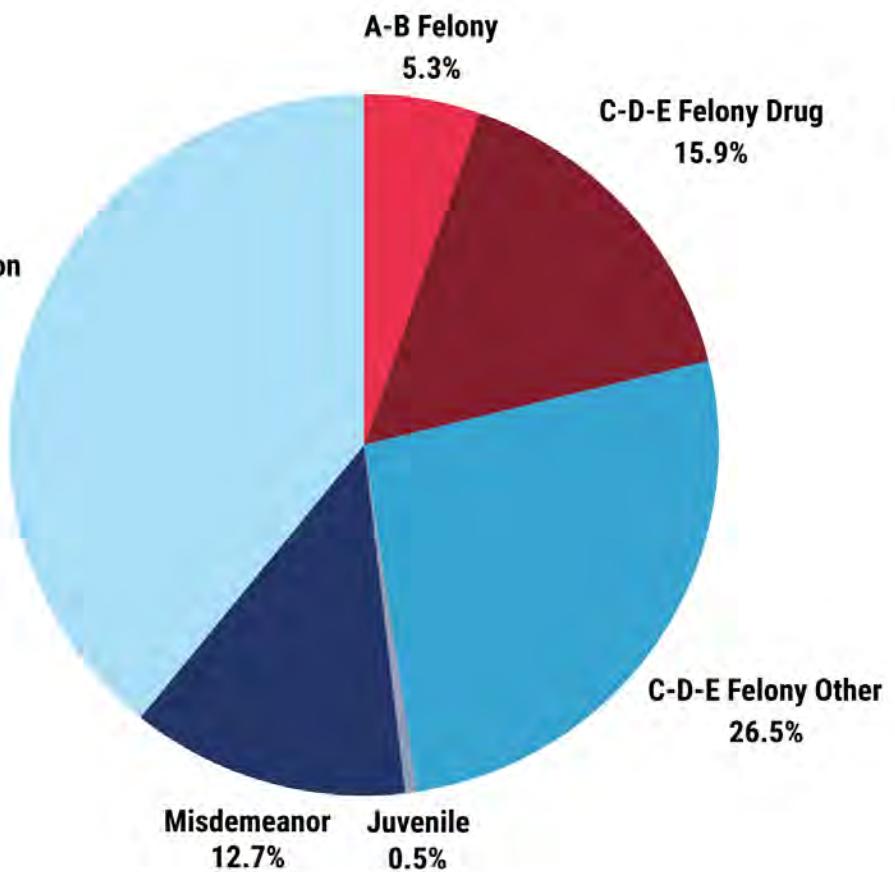


## DEKALB

County Population: 11,029  
Cases Initiated: 116

# DENT

County Population: 14,421  
Cases Initiated: 191

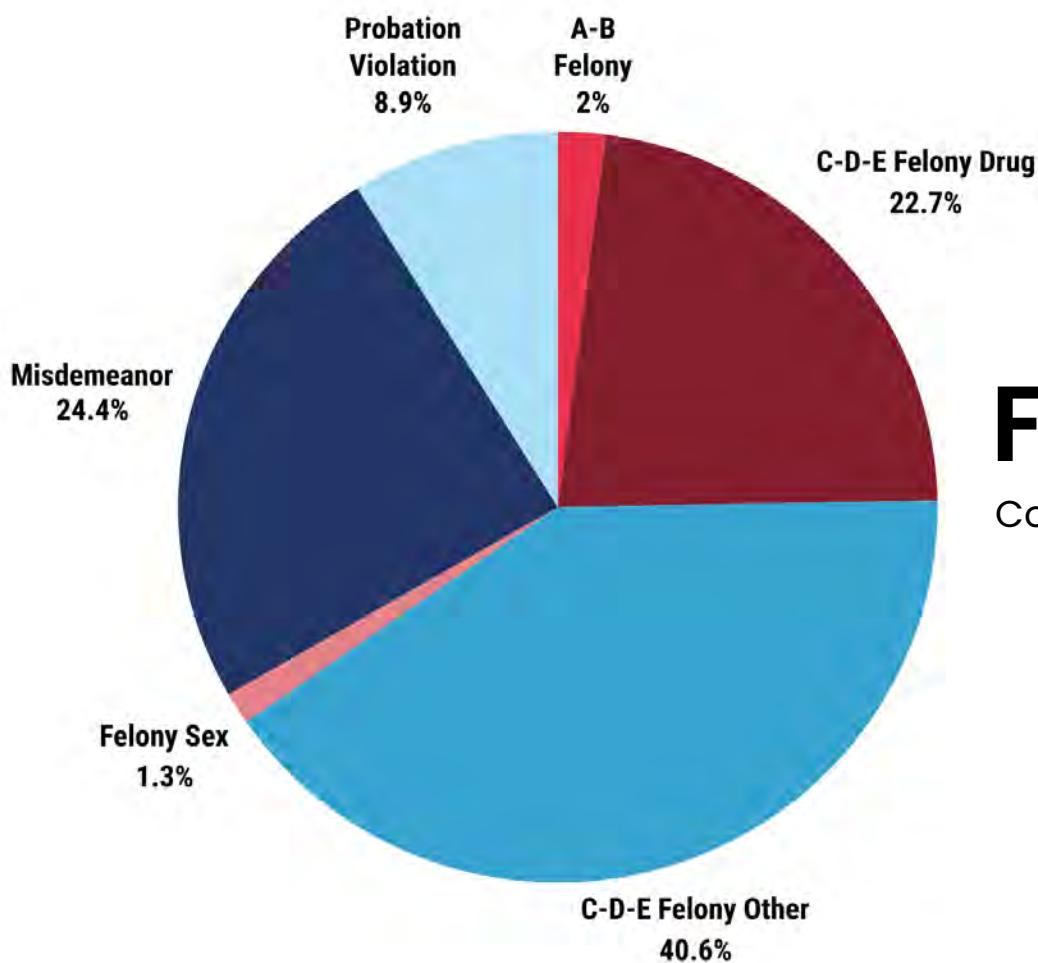
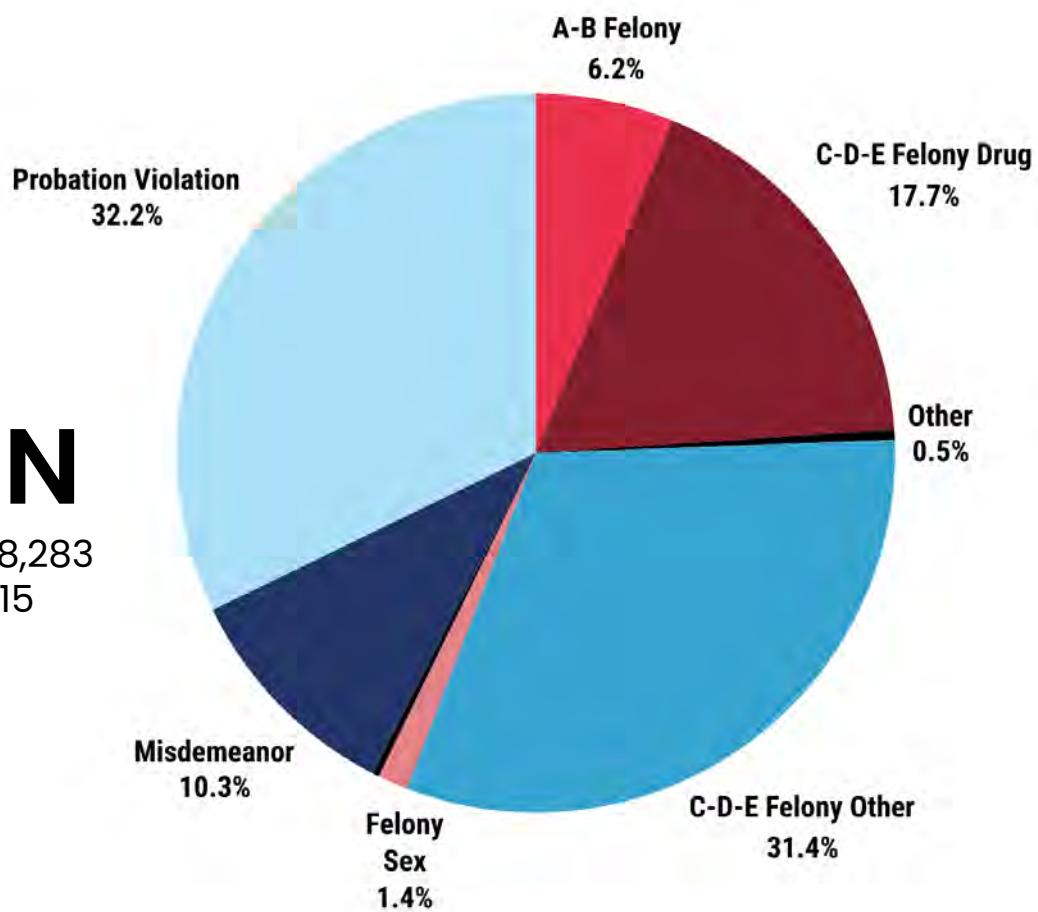


# DOUGLAS

County Population: 11,578  
Cases Initiated: 285

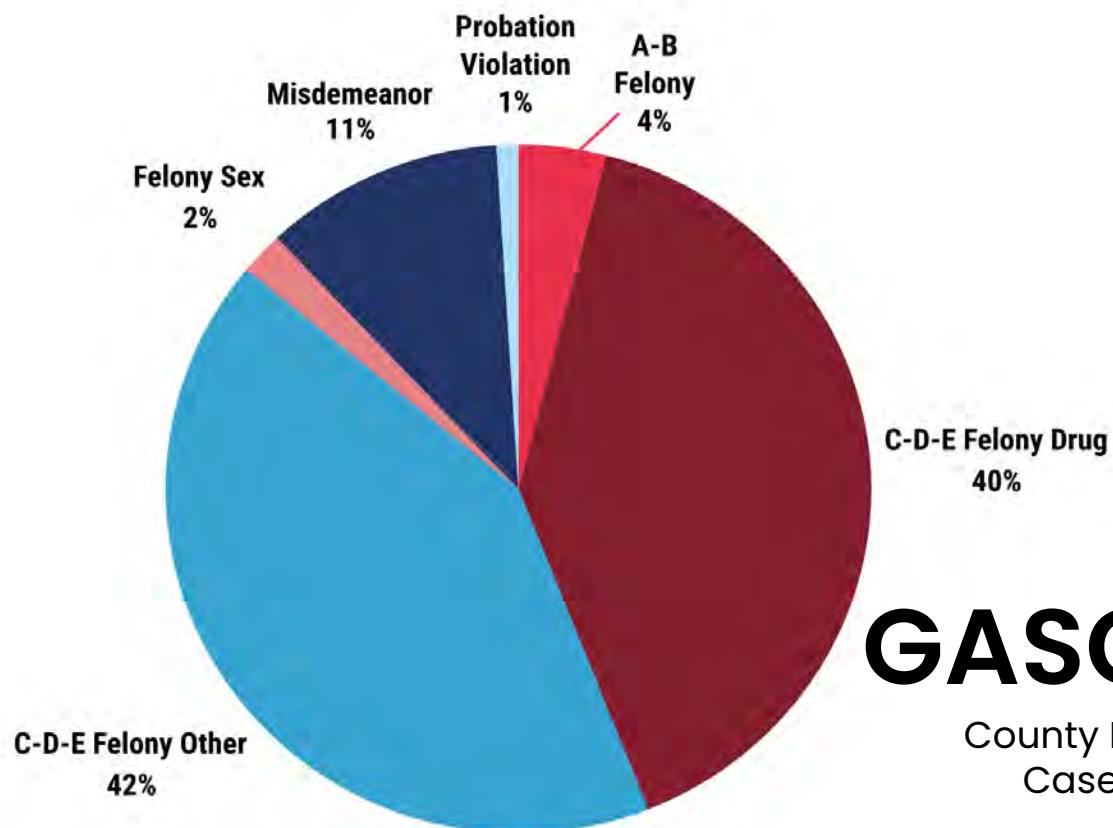
# DUNKLIN

County Population: 28,283  
Cases Initiated: 1,115



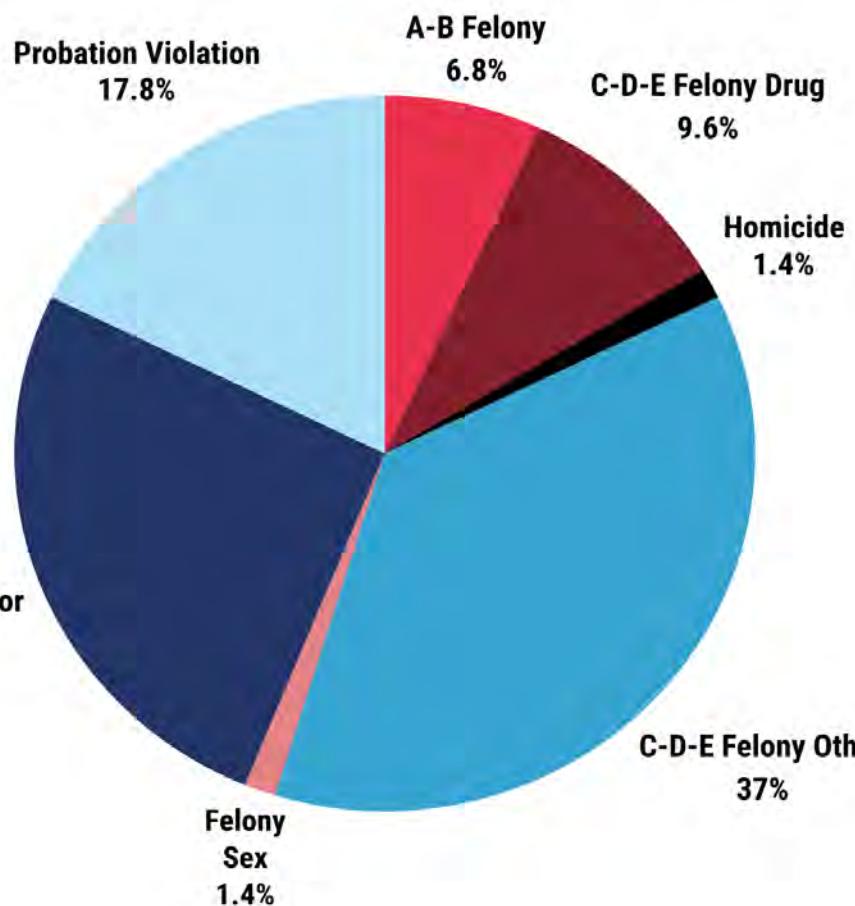
# FRANKLIN

County Population: 104,682  
Cases Initiated: 1,124



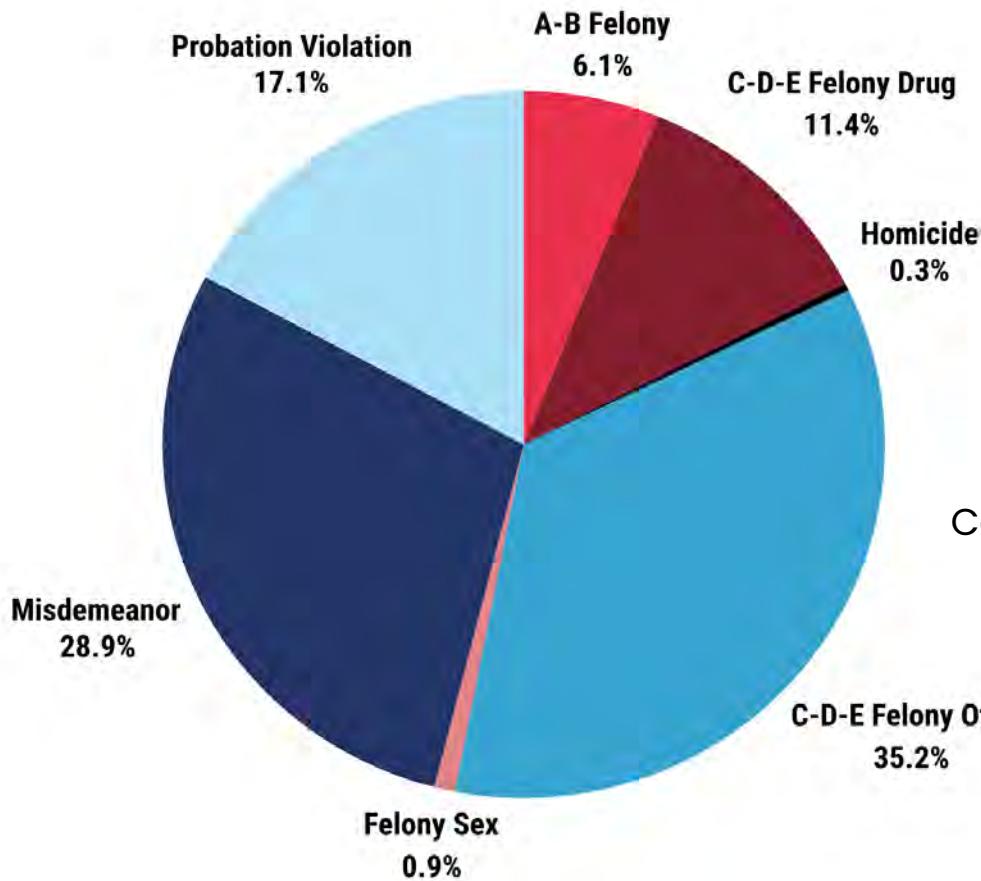
## GASCONADE

County Population: 14,794  
Cases Initiated: 100



## GENTRY

County Population: 6,162  
Cases Initiated: 72

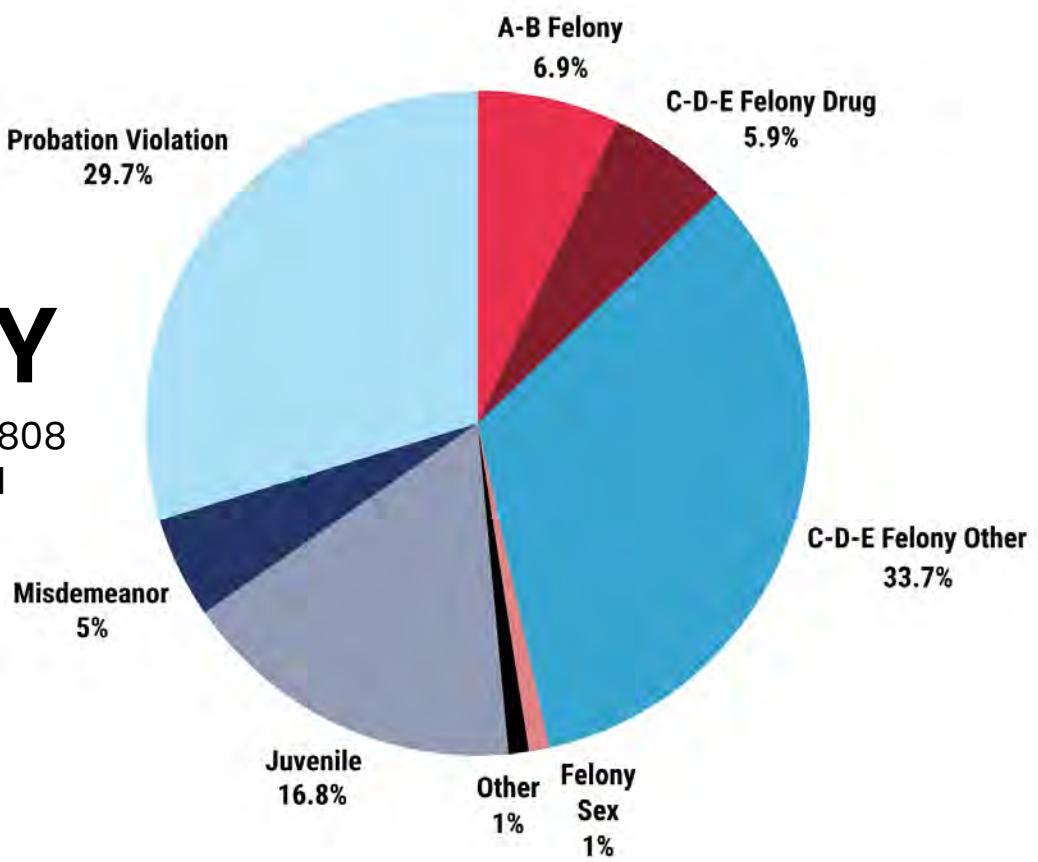


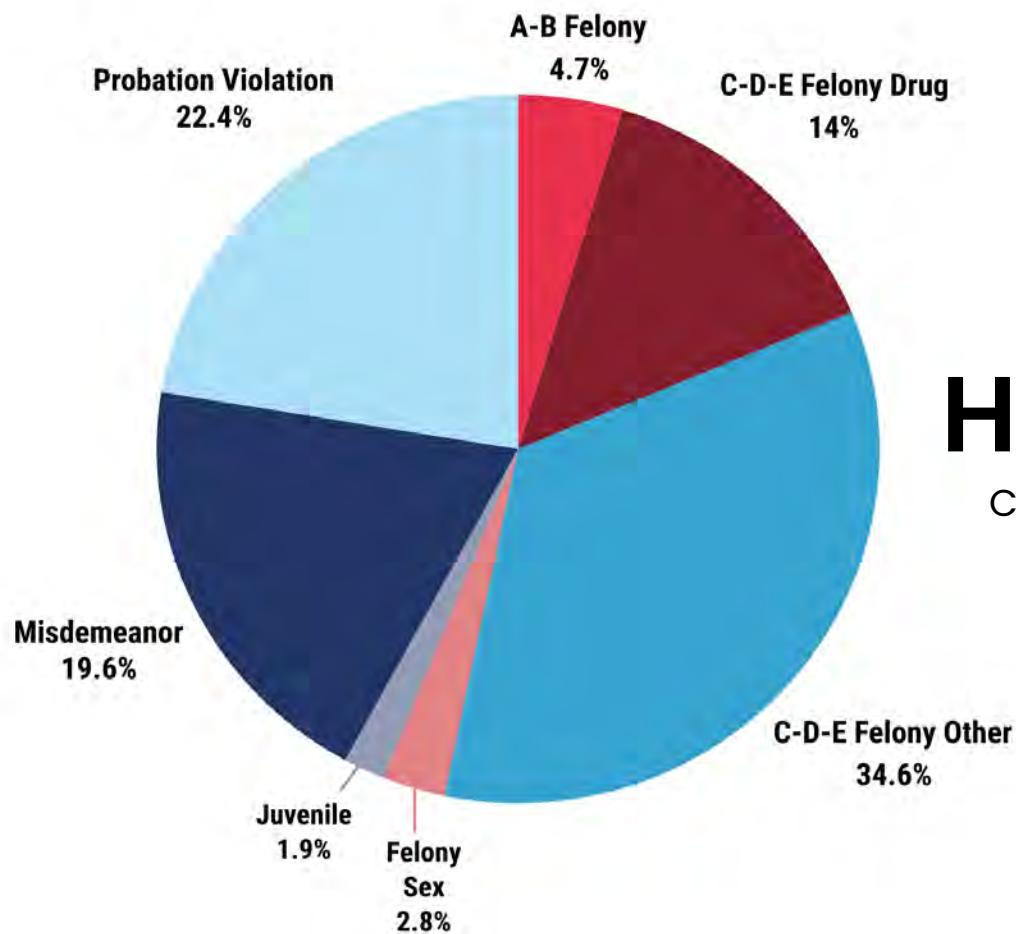
## GREENE

County Population: 298,915  
Cases Initiated: 2,714

## GRUNDY

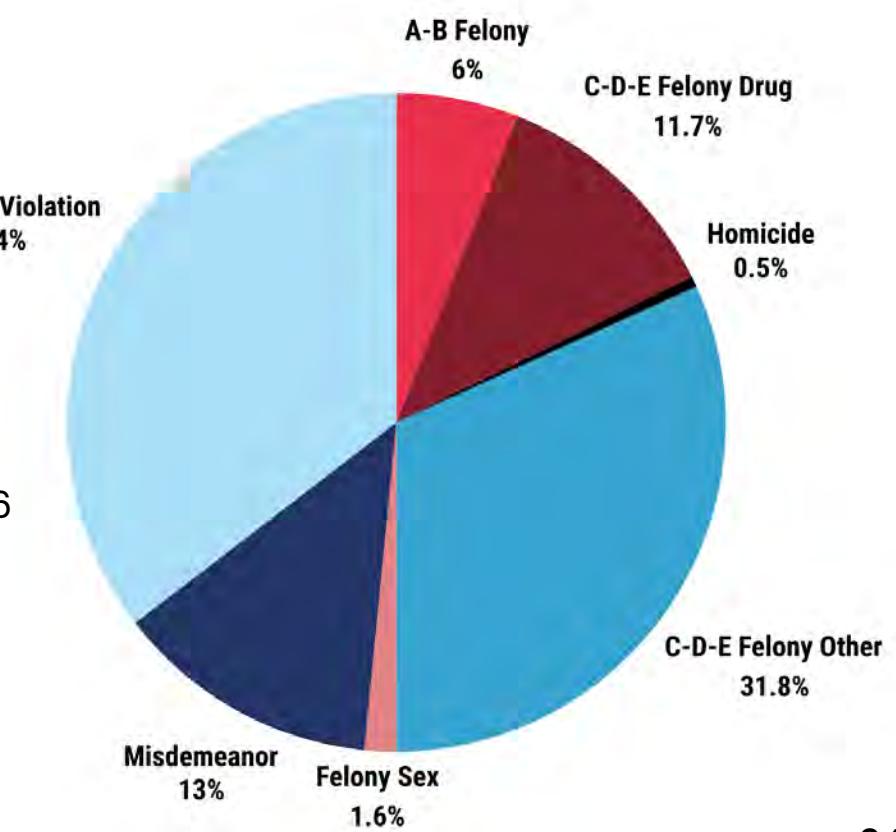
County Population: 9,808  
Cases Initiated: 101





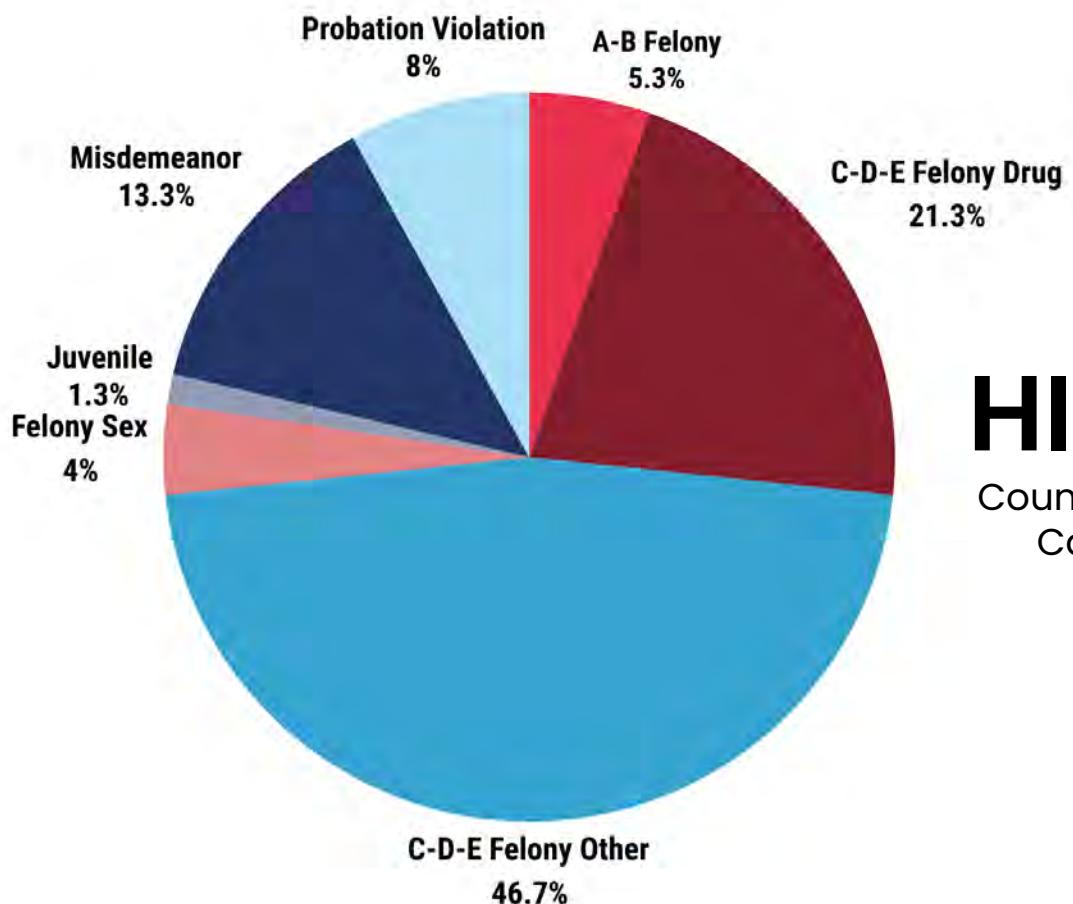
## HARRISON

County Population: 8,157  
Cases Initiated: 107



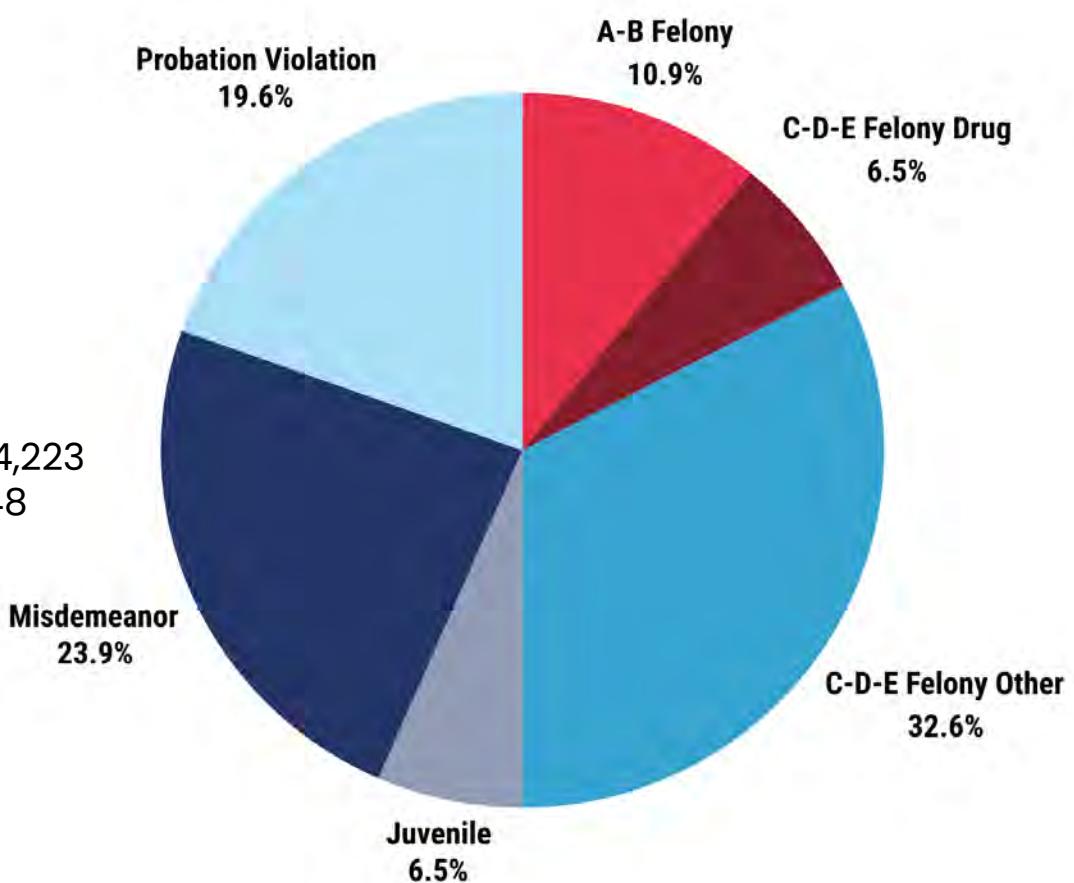
## HENRY

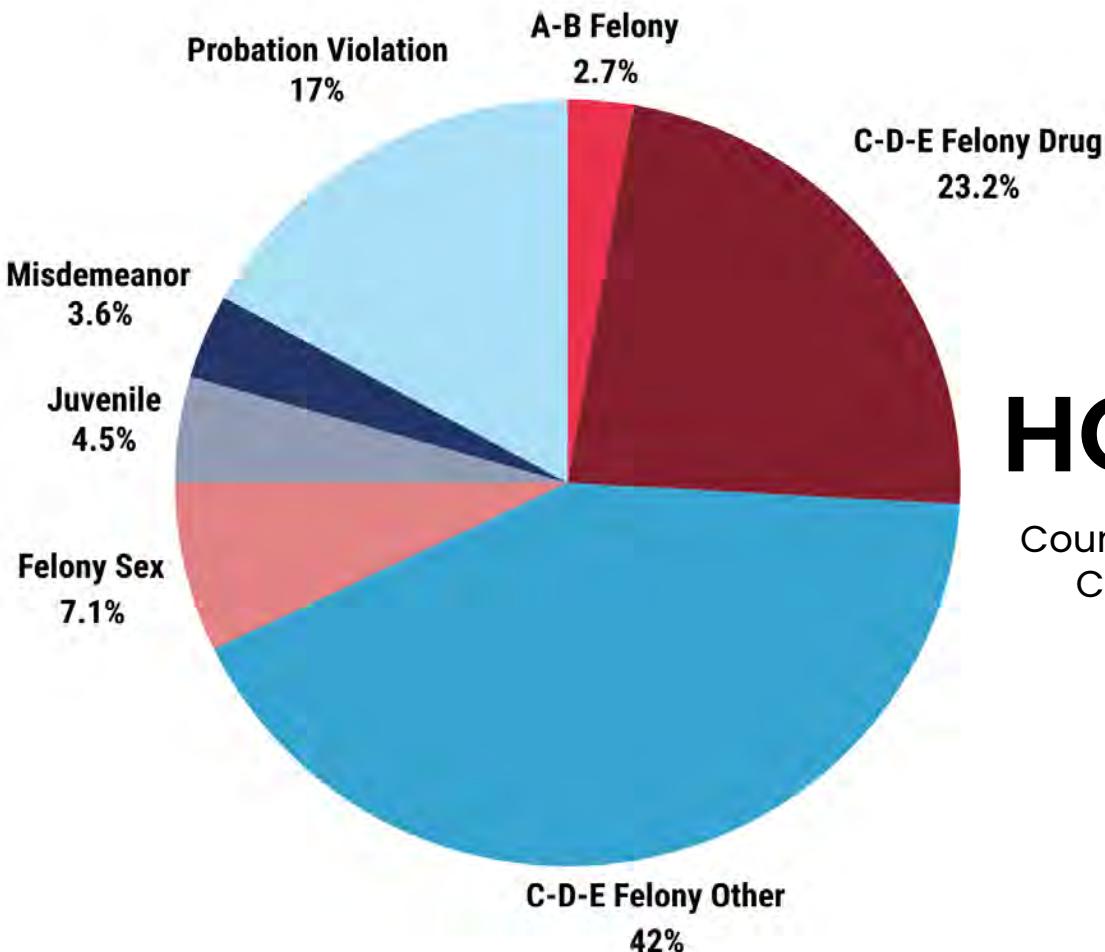
County Population: 21,946  
Cases Initiated: 384



**HICKORY**  
 County Population: 8,279  
 Cases Initiated: 75

**HOLT**  
 County Population: 4,223  
 Cases Initiated: 48



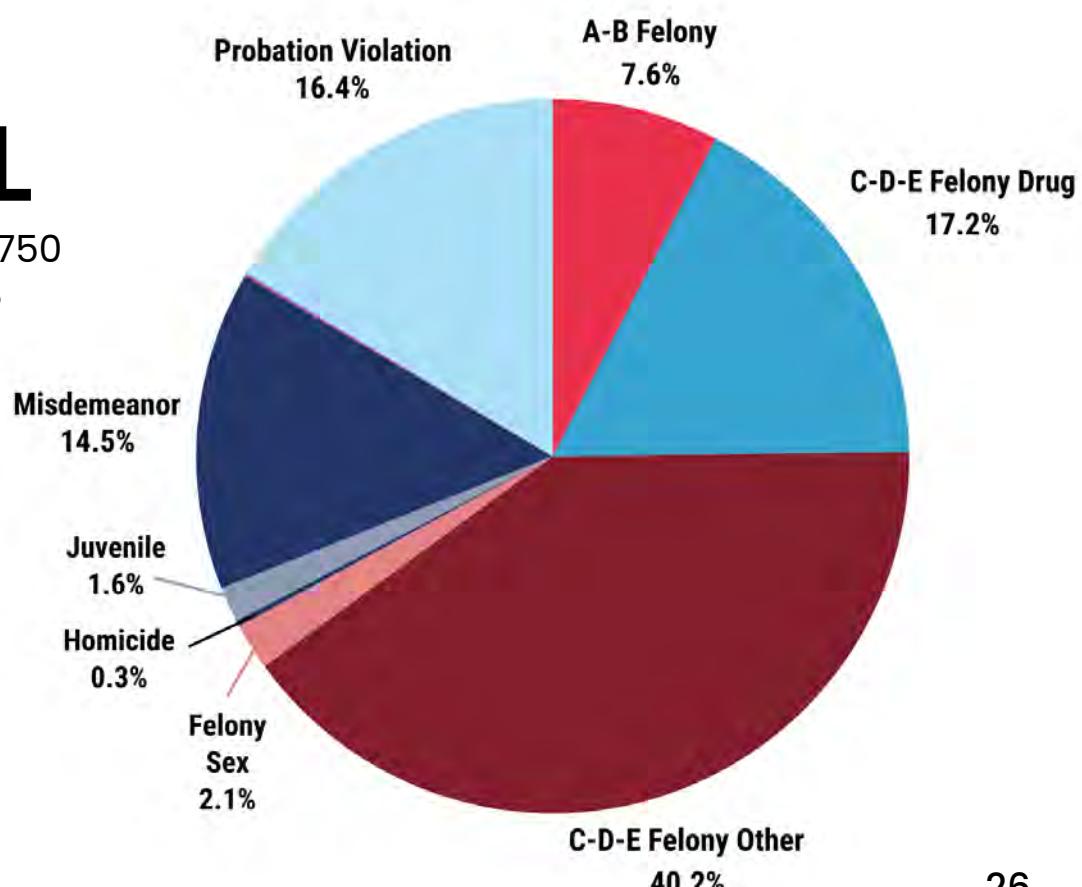


## HOWARD

County Population: 10,151  
Cases Initiated: 112

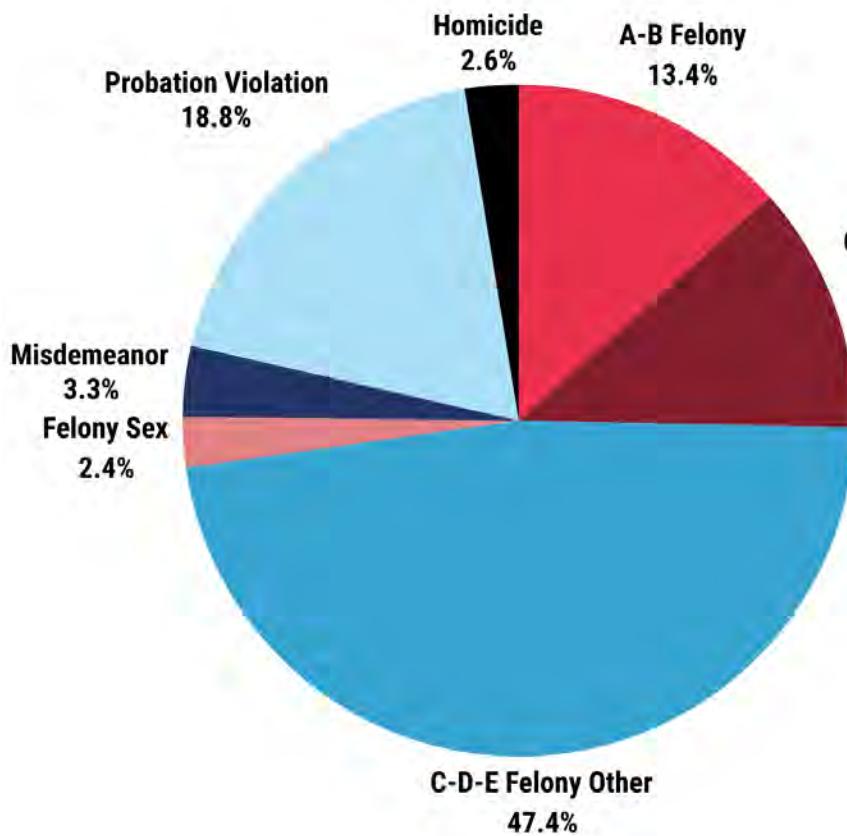
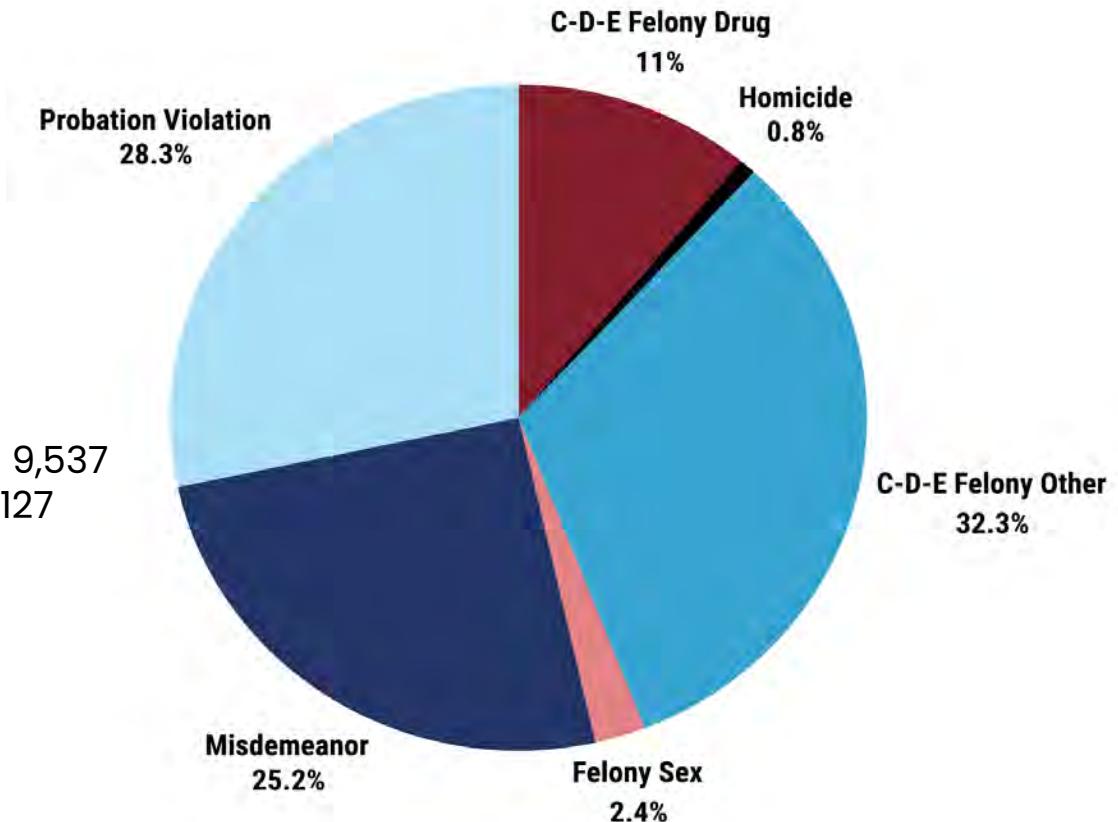
## HOWELL

County Population: 39,750  
Cases Initiated: 758



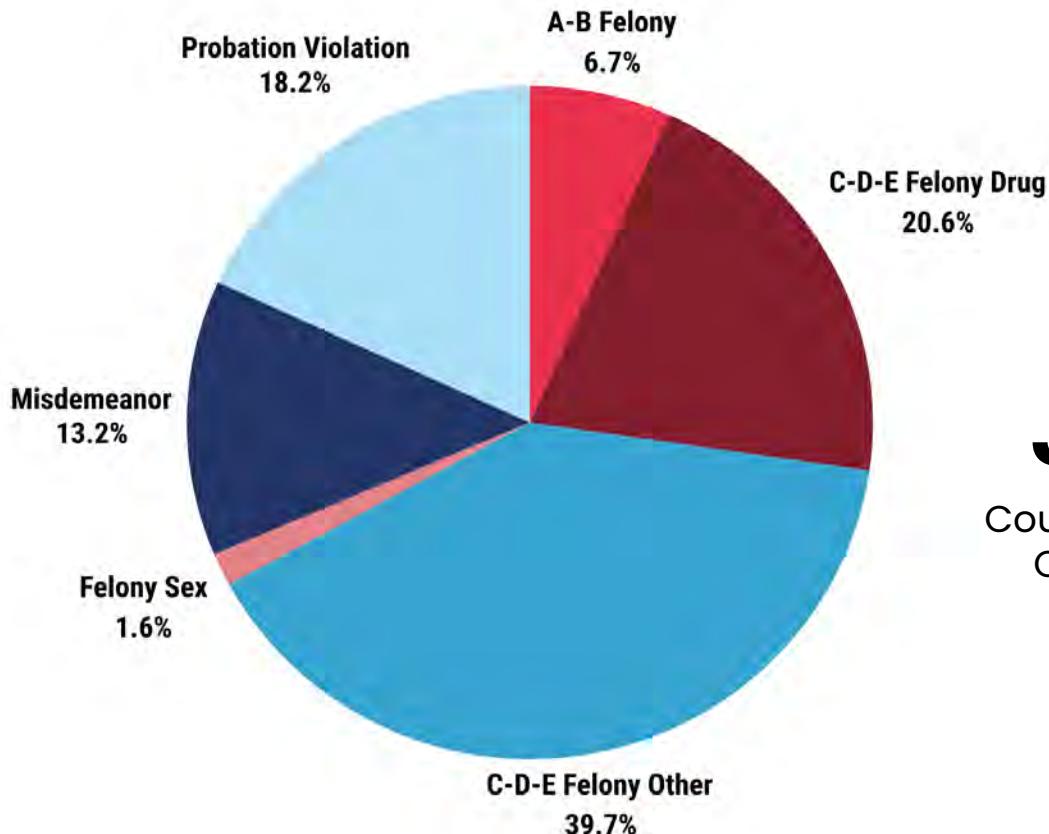
# IRON

County Population: 9,537  
Cases Initiated: 127



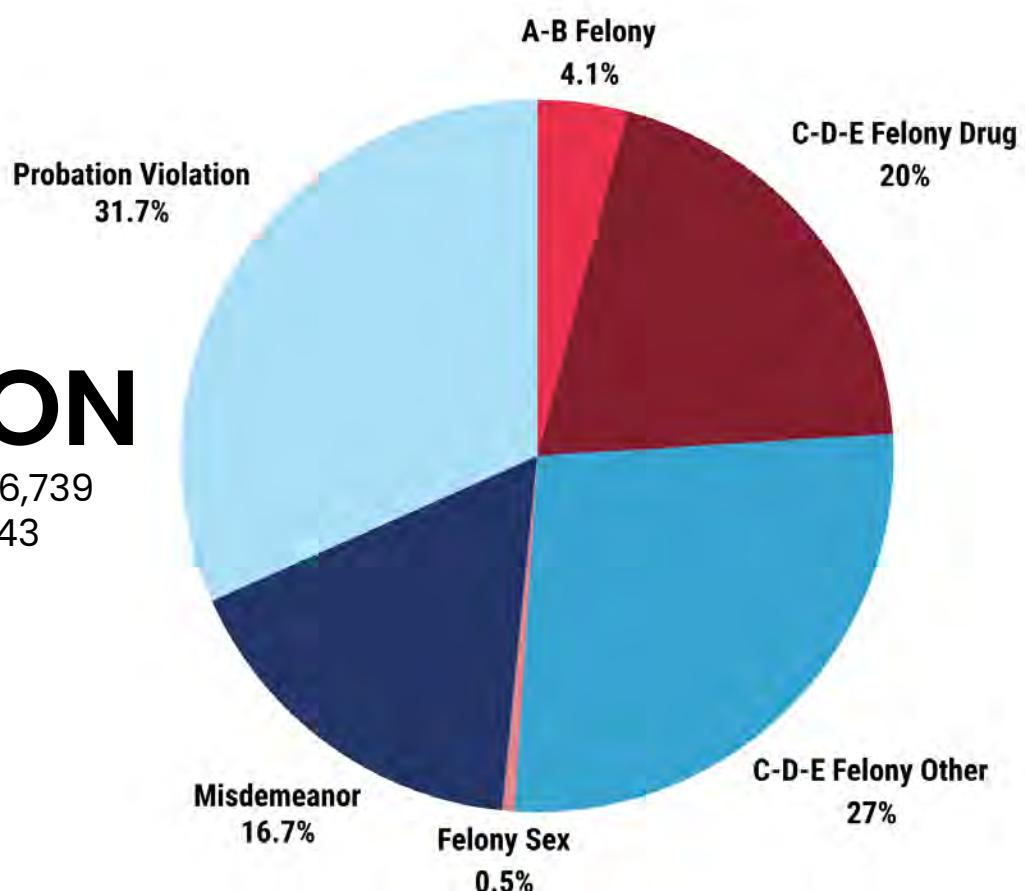
# JACKSON

County Population: 717,204  
Cases Initiated: 2,442



## JASPER

County Population: 122,761  
Cases Initiated: 1,236

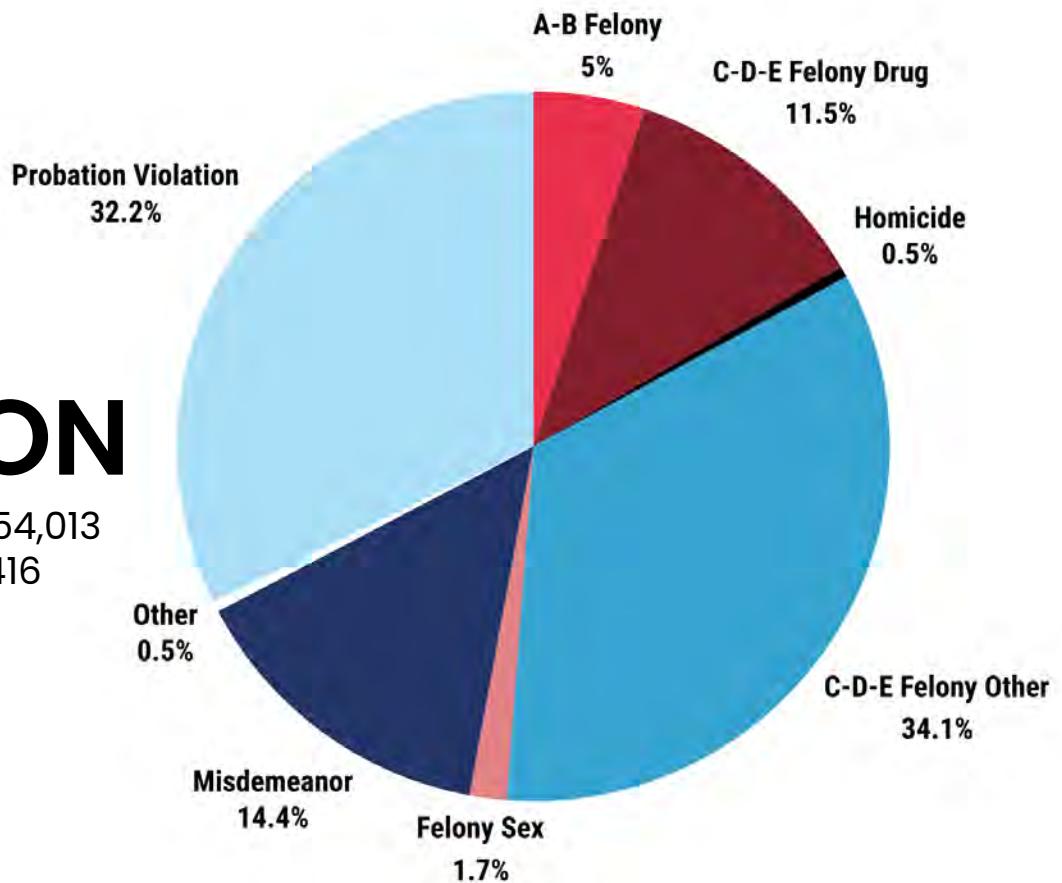


## JEFFERSON

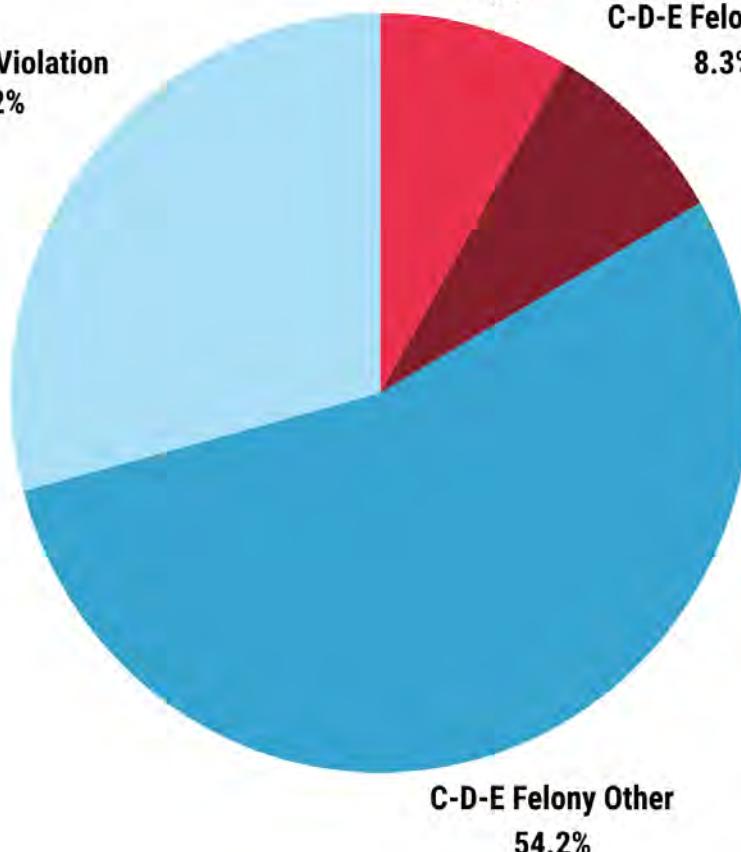
County Population: 226,739  
Cases Initiated: 2,043

# JOHNSON

County Population: 54,013  
Cases Initiated: 416



Probation Violation  
29.2%

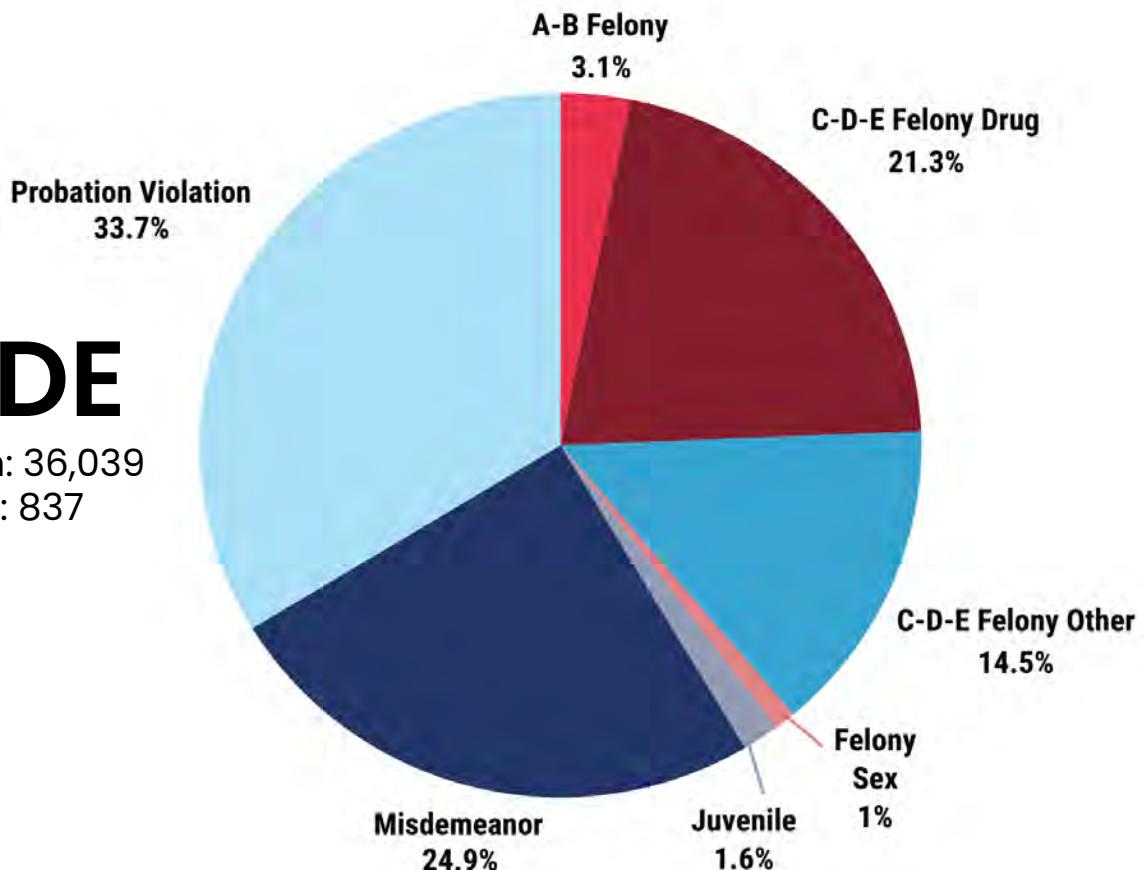


# KNOX

County Population: 3,744  
Cases Initiated: 24

# LACLEDE

County Population: 36,039  
Cases Initiated: 837



Probation Violation  
23.6%

Misdemeanor  
18.3%

Felony Sex  
2.5%

A-B Felony  
4.7%

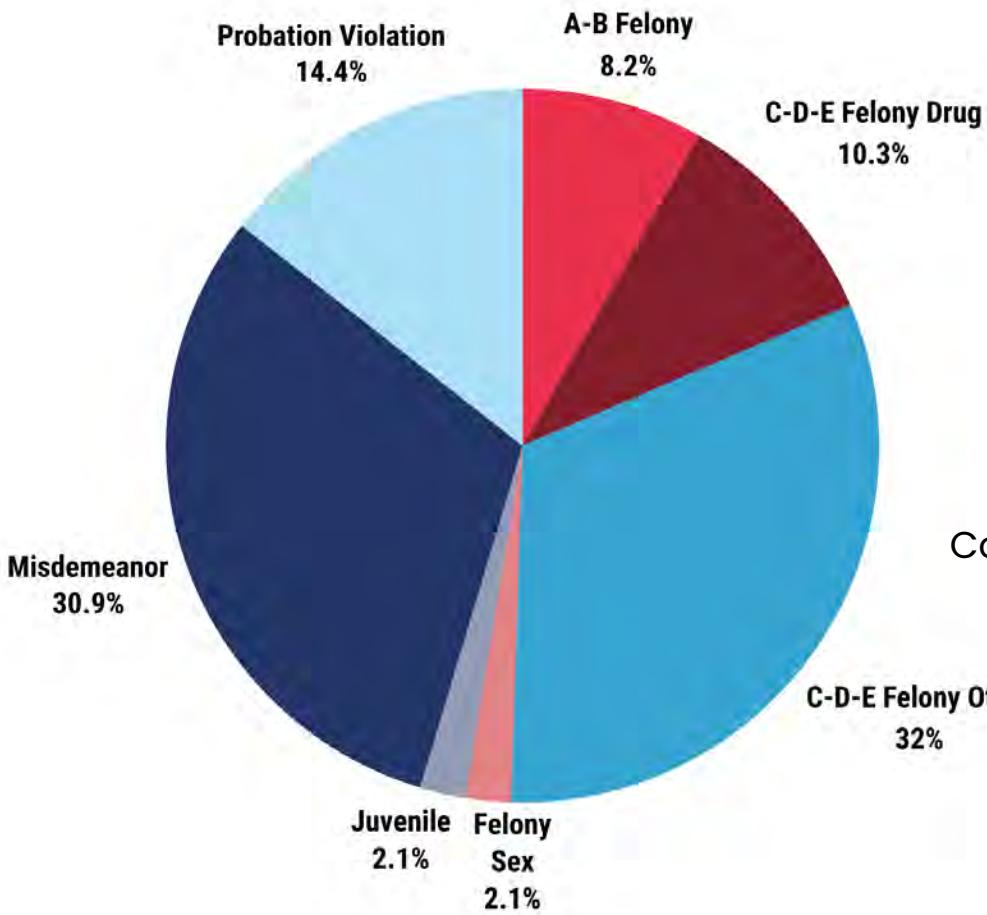
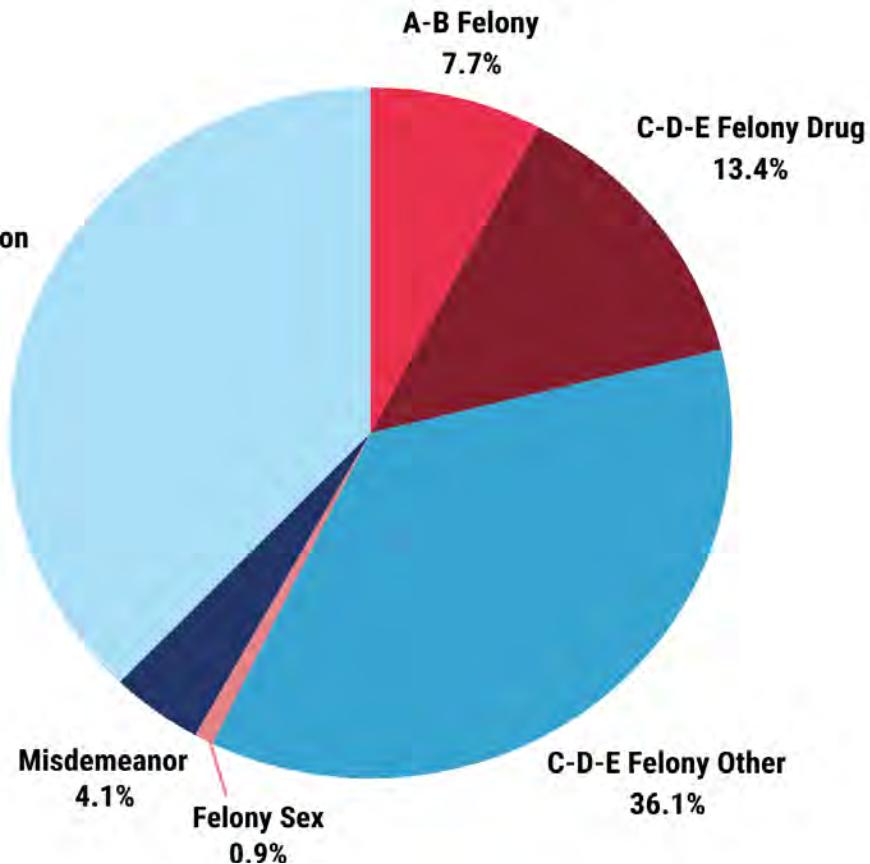
C-D-E Felony Drug  
16.1%

# LAFAYETTE

County Population: 32,984  
Cases Initiated: 360

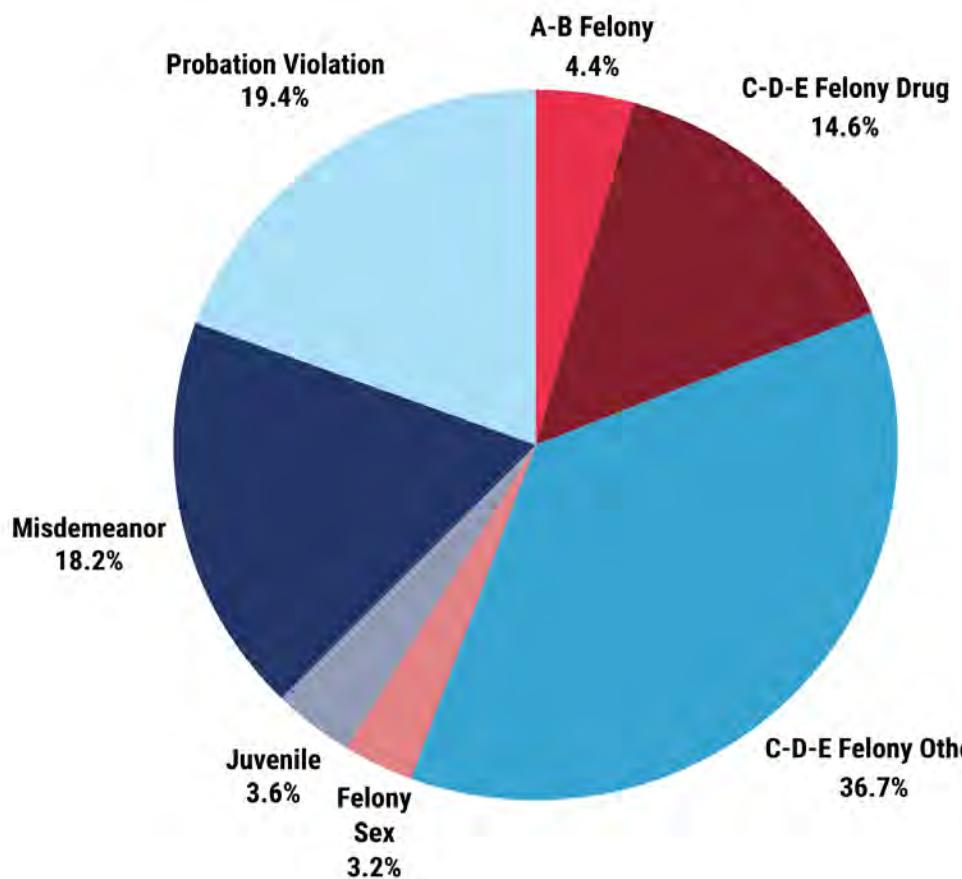
# LAWRENCE

County Population: 38,001  
Cases Initiated: 702



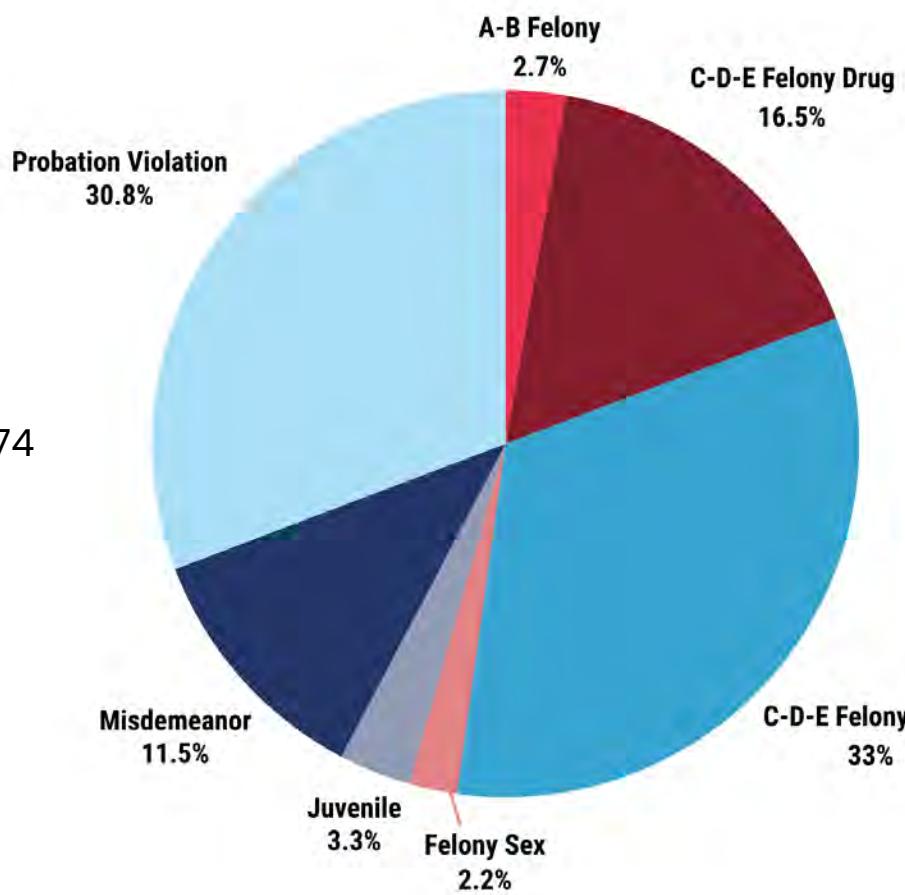
# LEWIS

County Population: 10,032  
Cases Initiated: 97



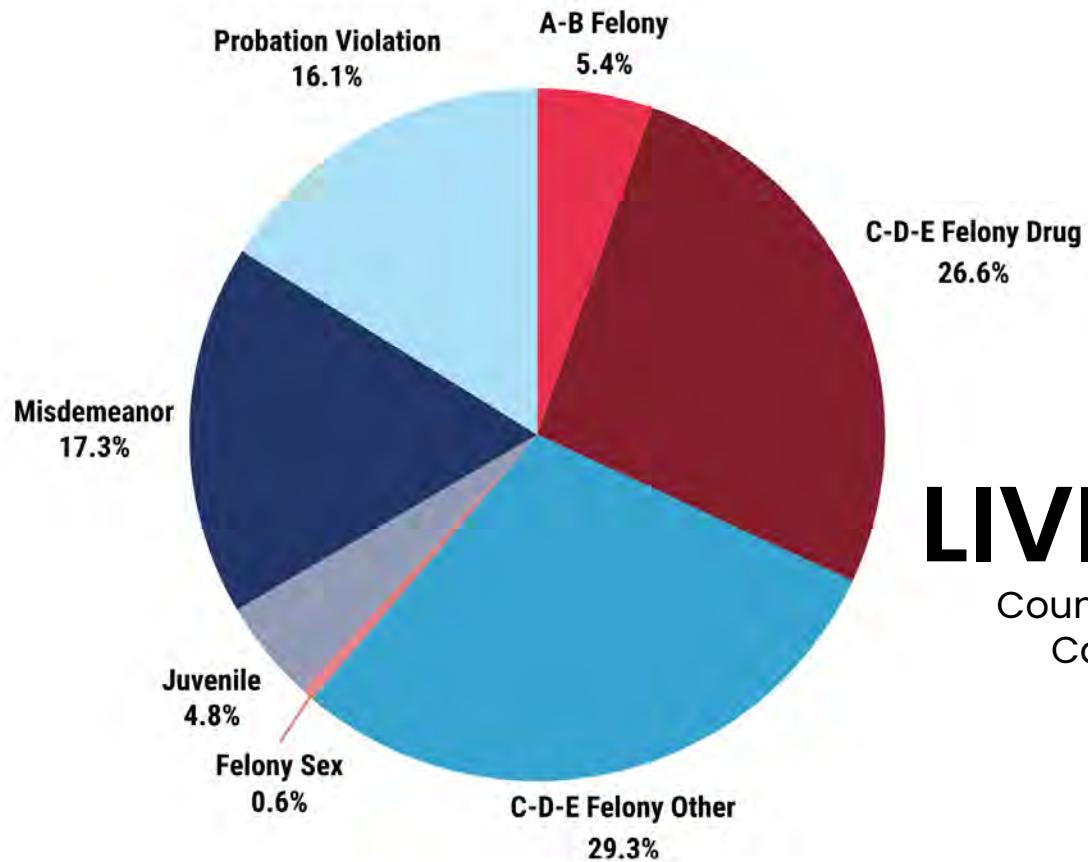
# LINCOLN

County Population: 59,574  
Cases Initiated: 415



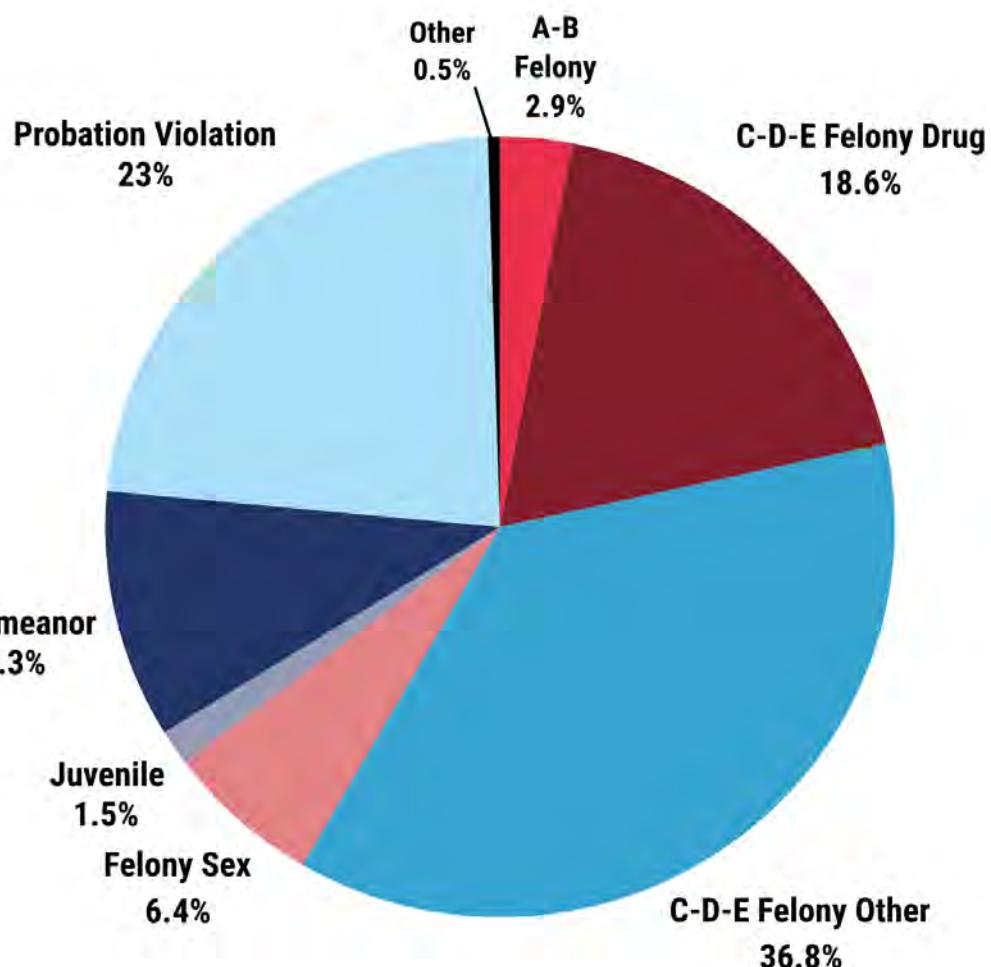
# LINN

County Population: 11,874  
Cases Initiated: 183



## LIVINGSTON

County Population: 14,557  
Cases Initiated: 335

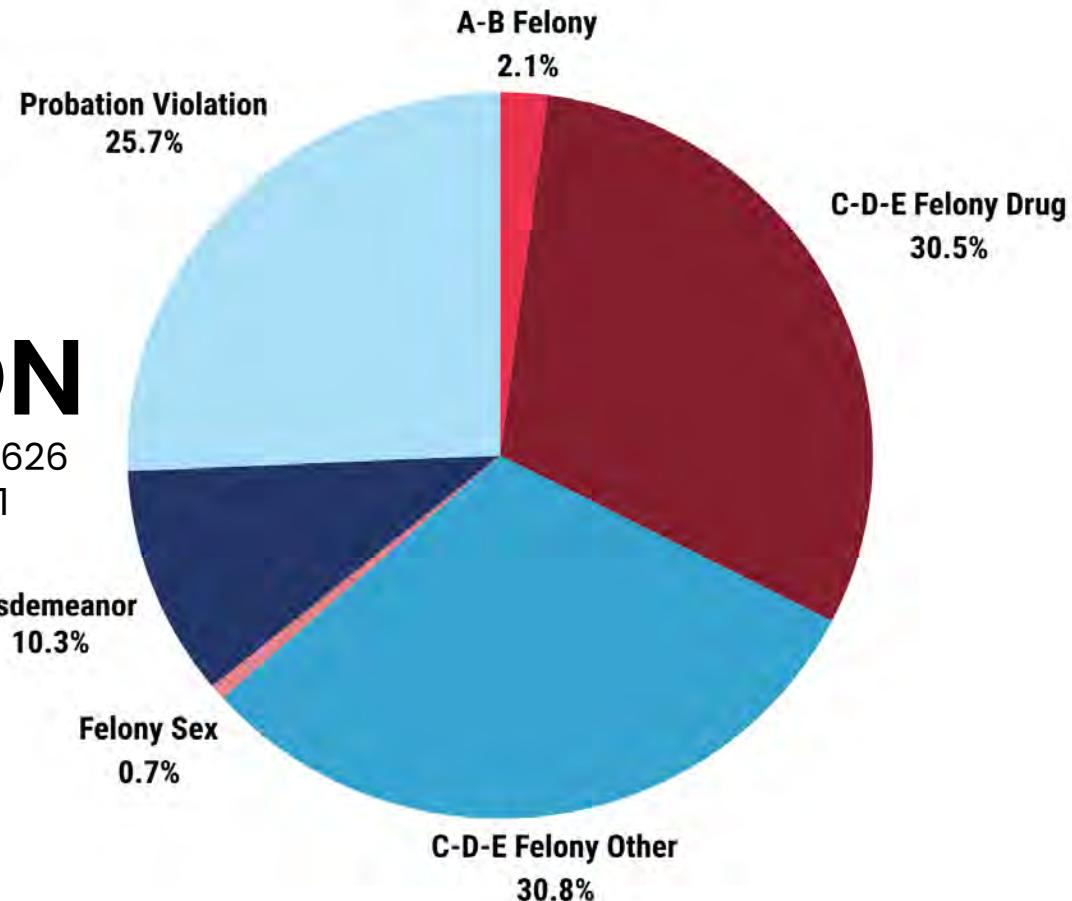


## MACON

County Population: 15,209  
Cases Initiated: 203

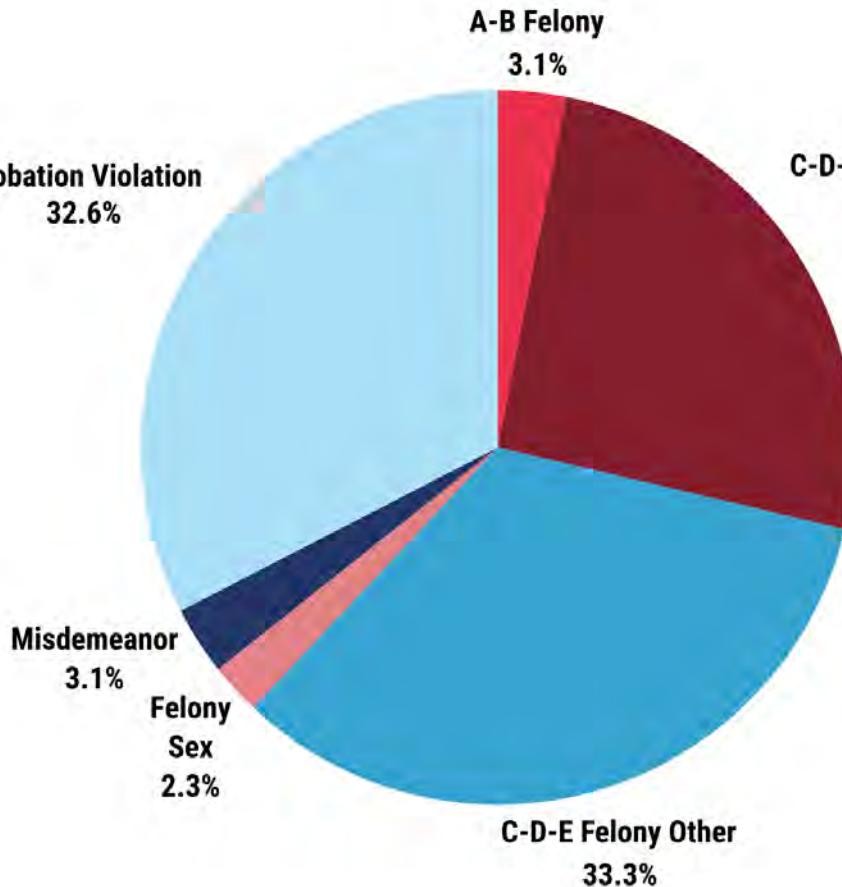
# MADISON

County Population: 12,626  
Cases Initiated: 291



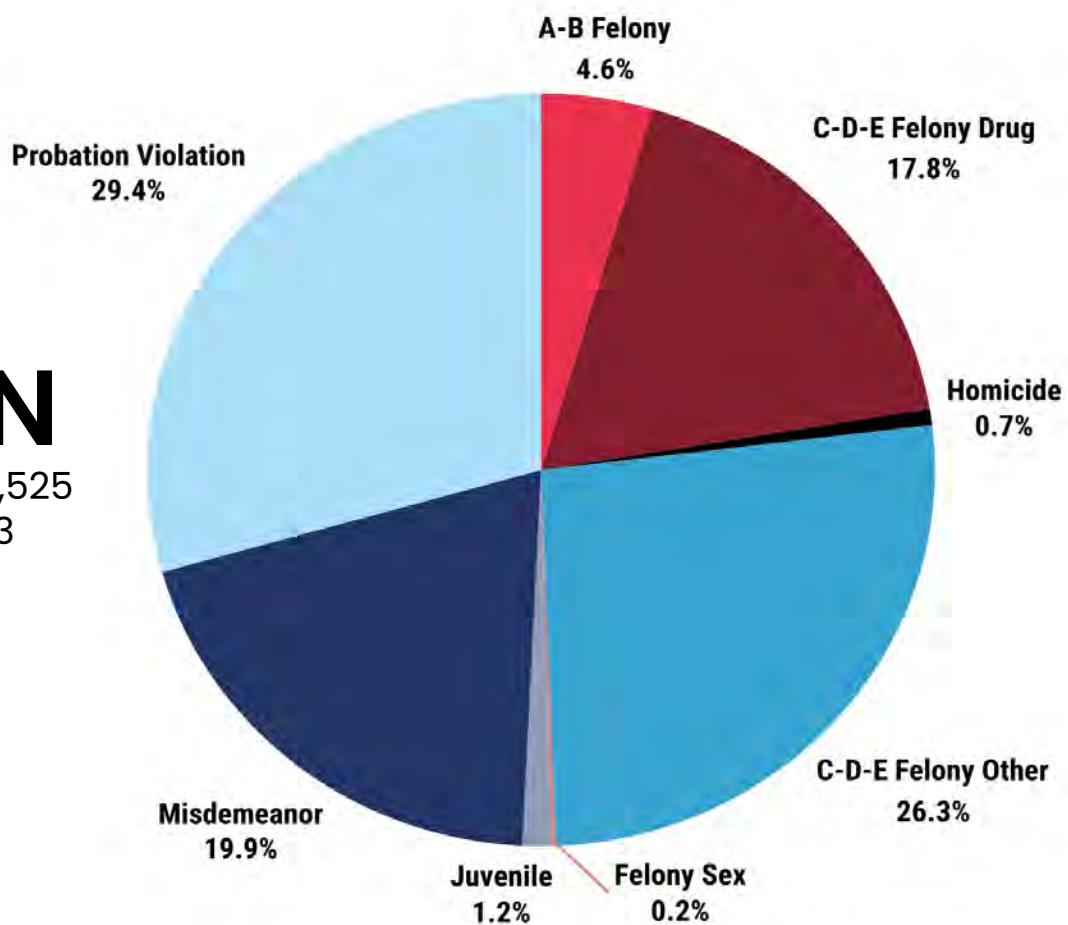
# MARIES

County Population: 8,432  
Cases Initiated: 129



# MARION

County Population: 28,525  
Cases Initiated: 593



Probation Violation  
14.2%  
A-B  
Felony  
4%  
C-D-E Felony Drug  
6.2%

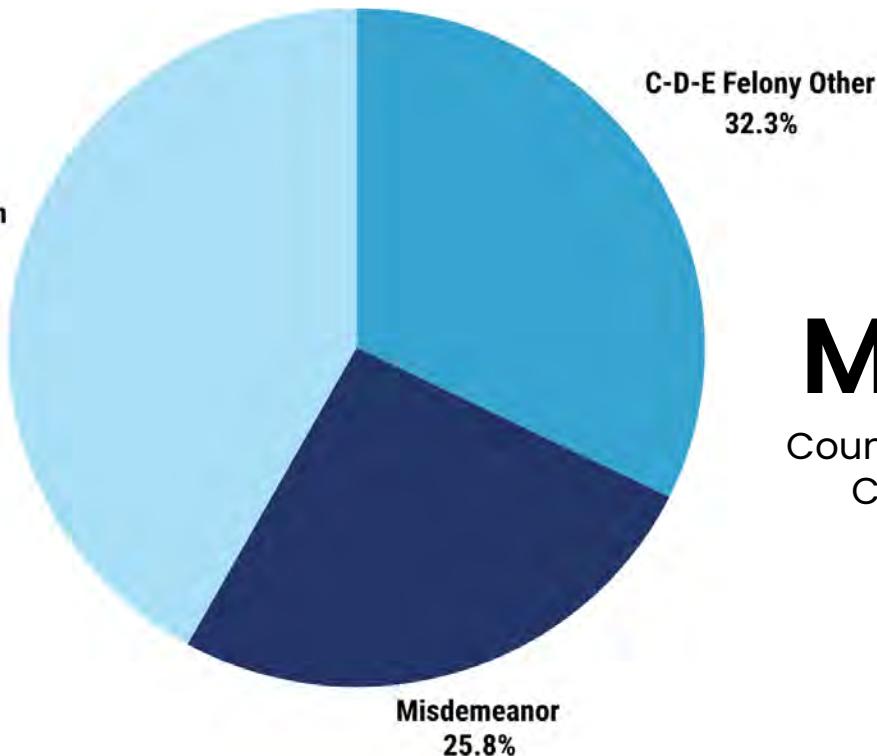
Misdemeanor  
16.8%

Felony Sex  
1.3%

C-D-E Felony Other  
57.5%

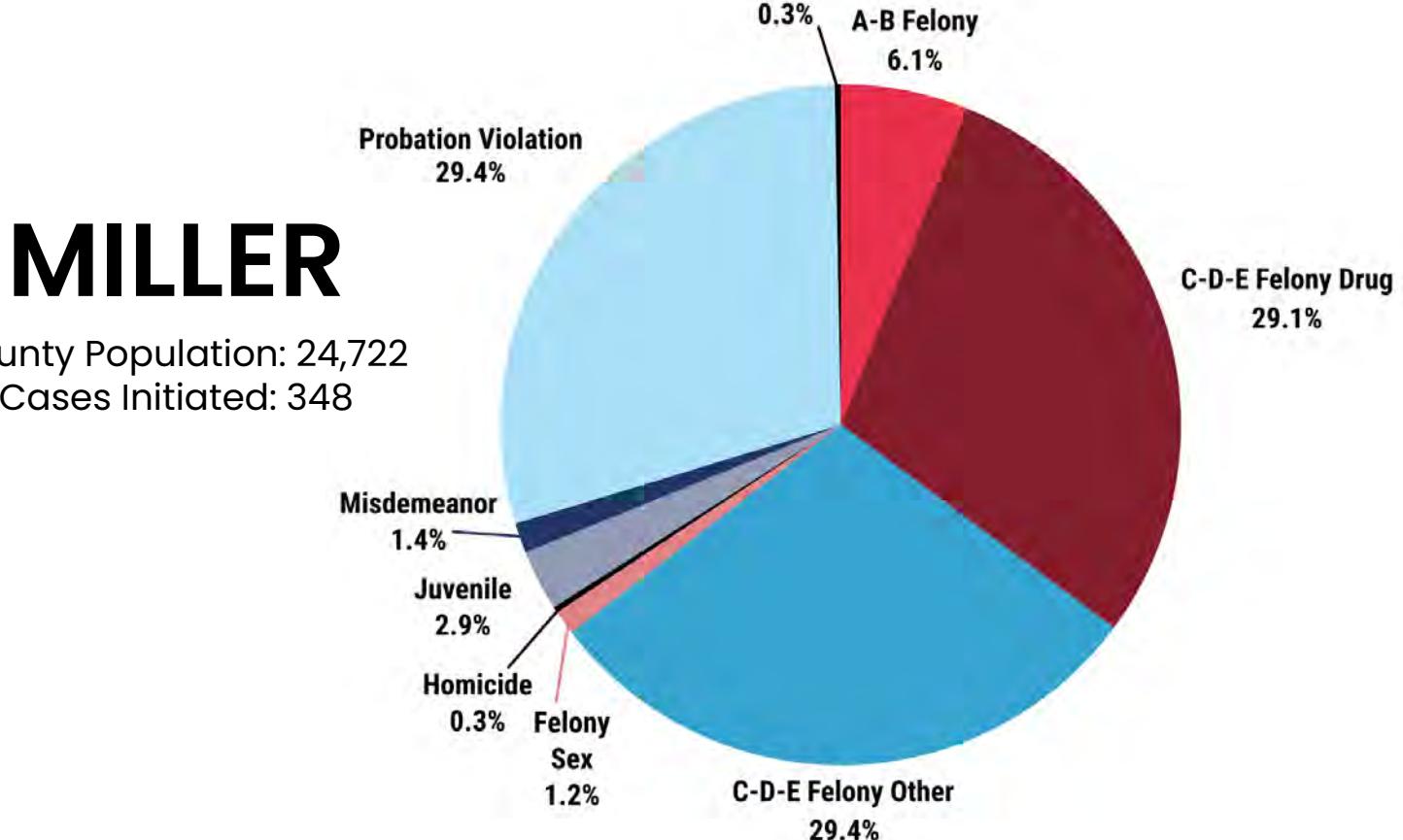
# MCDONALD

County Population: 23,303  
Cases Initiated: 226



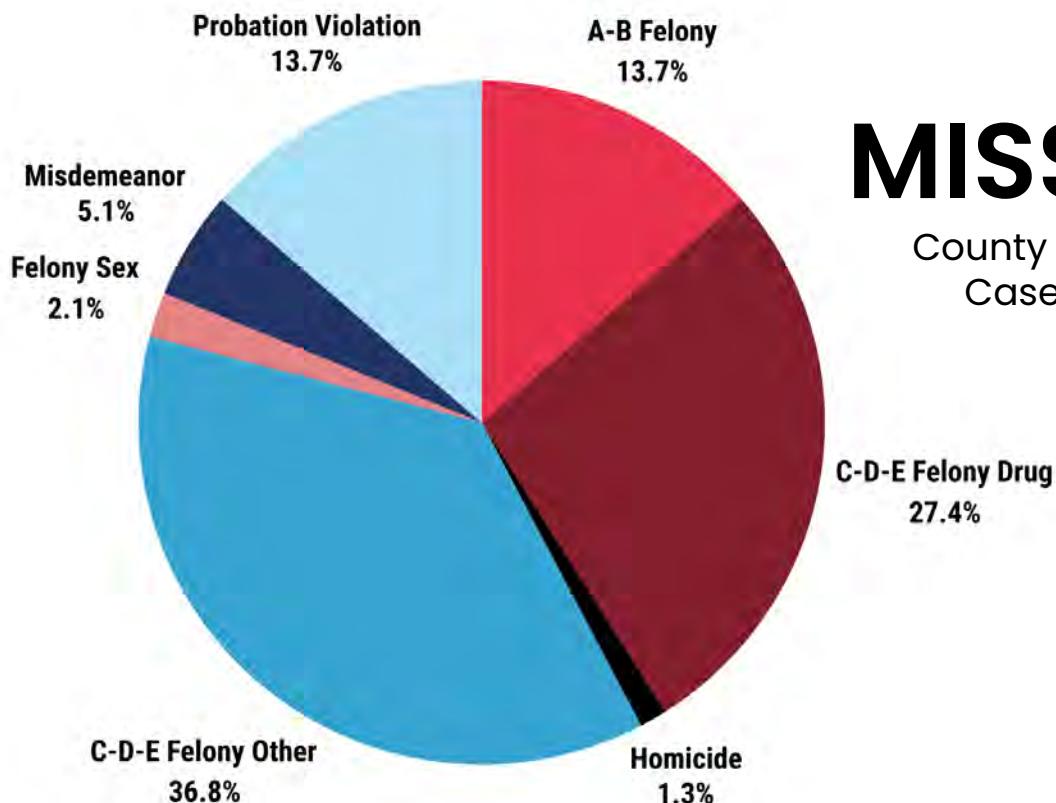
## MERCER

County Population: 3,538  
Cases Initiated: 31



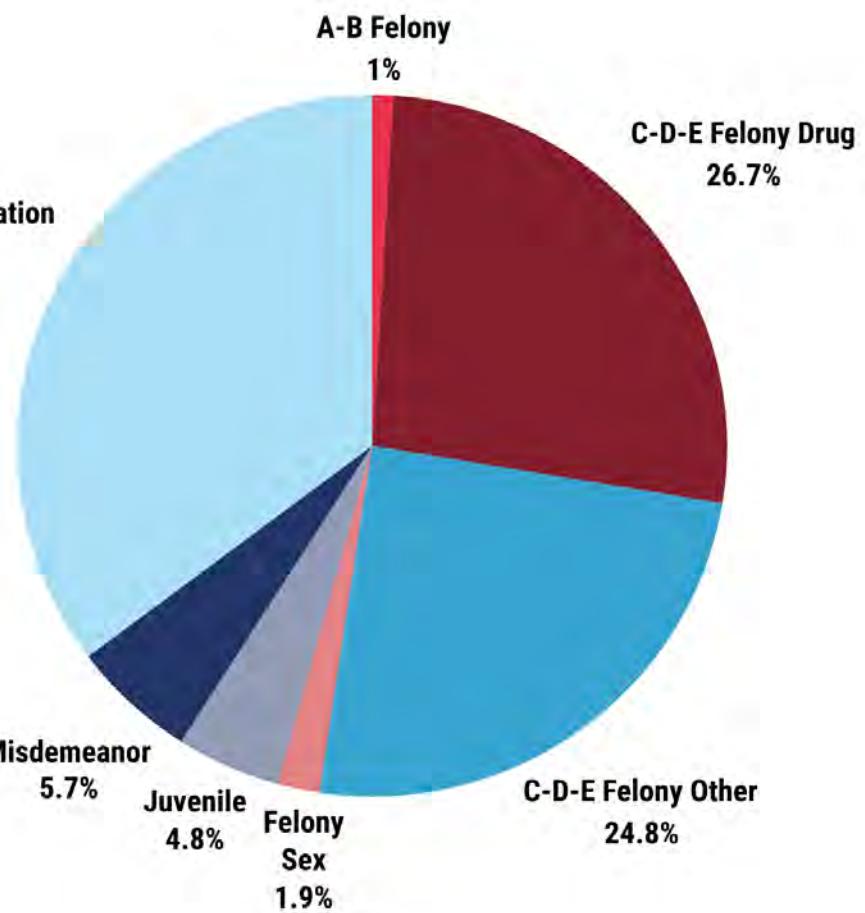
## MILLER

County Population: 24,722  
Cases Initiated: 348



# MISSISSIPPI

County Population: 12,577  
Cases Initiated: 239

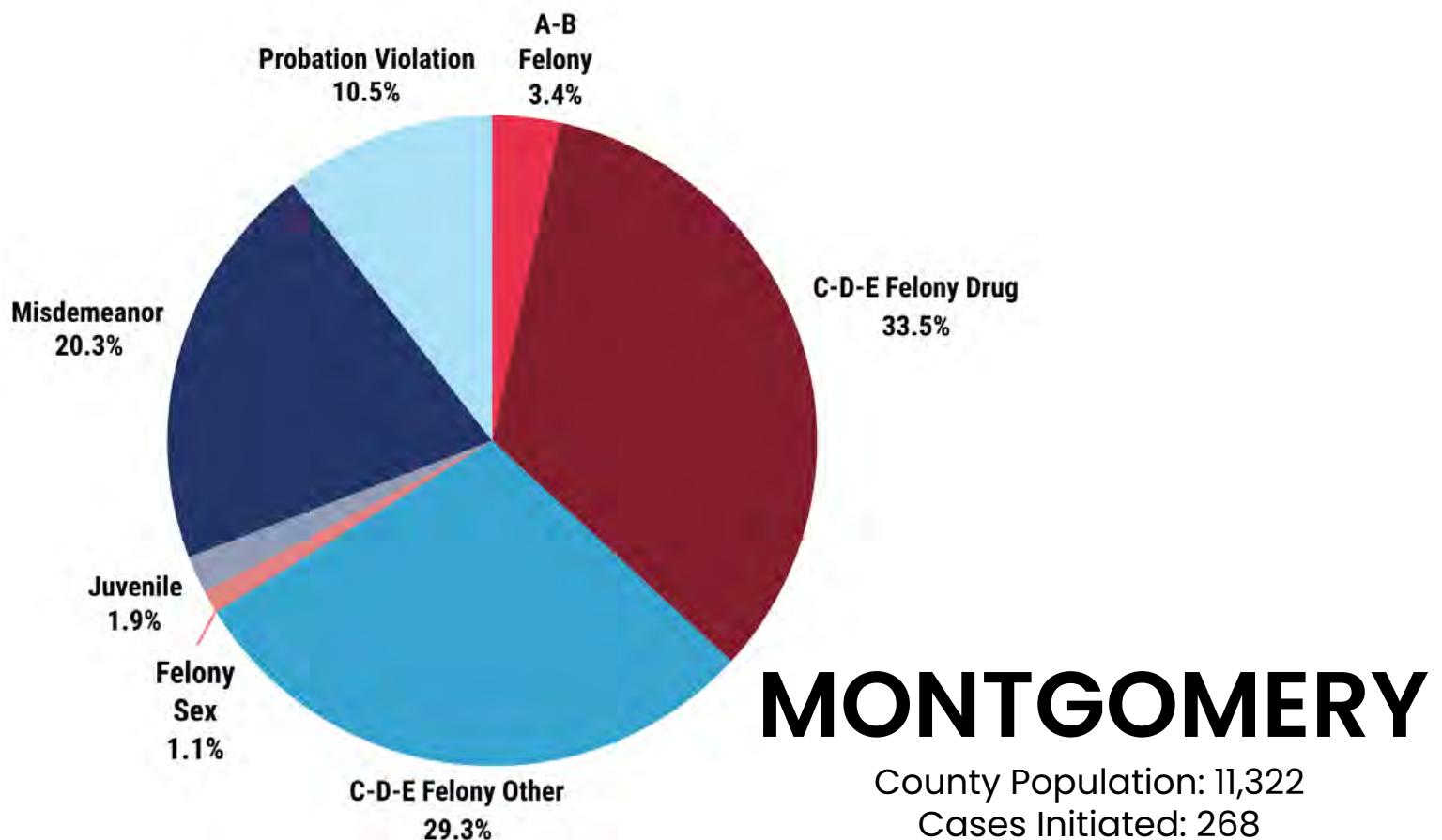
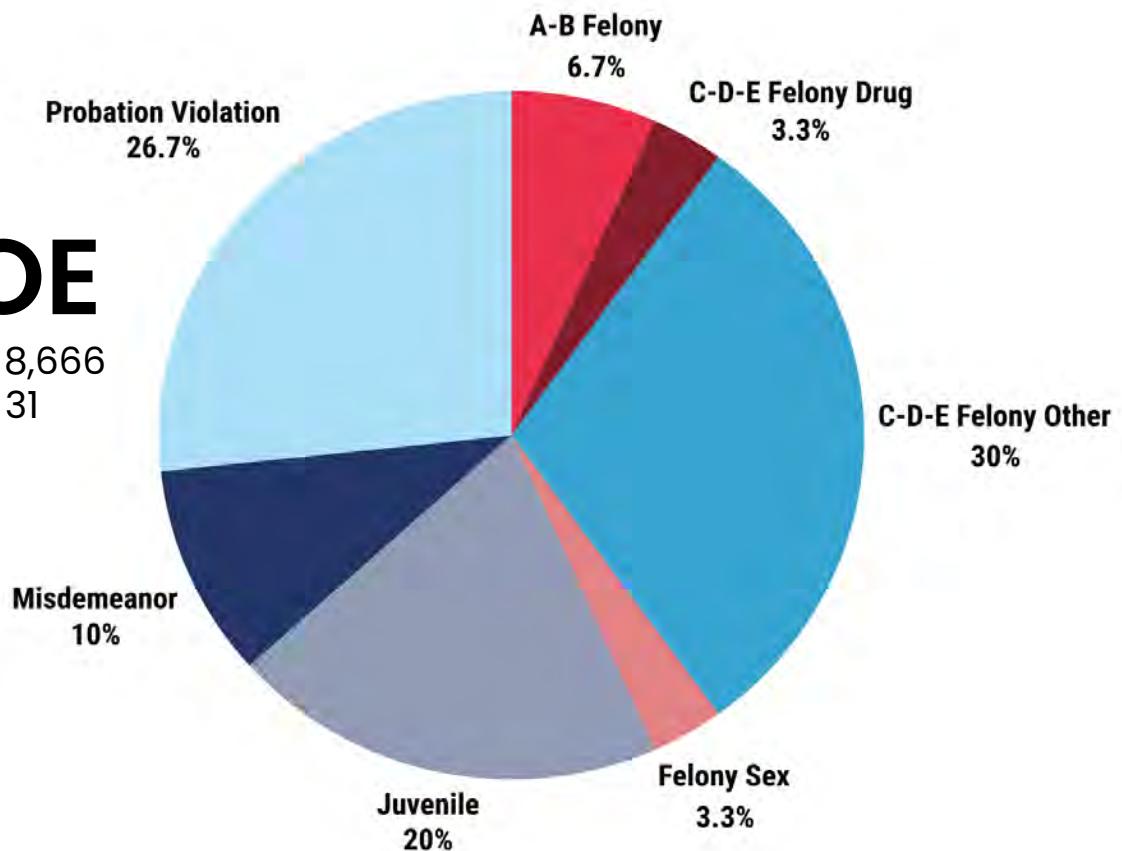


# MONITEAU

County Population: 15,473  
Cases Initiated: 106

# MONROE

County Population: 8,666  
Cases Initiated: 31

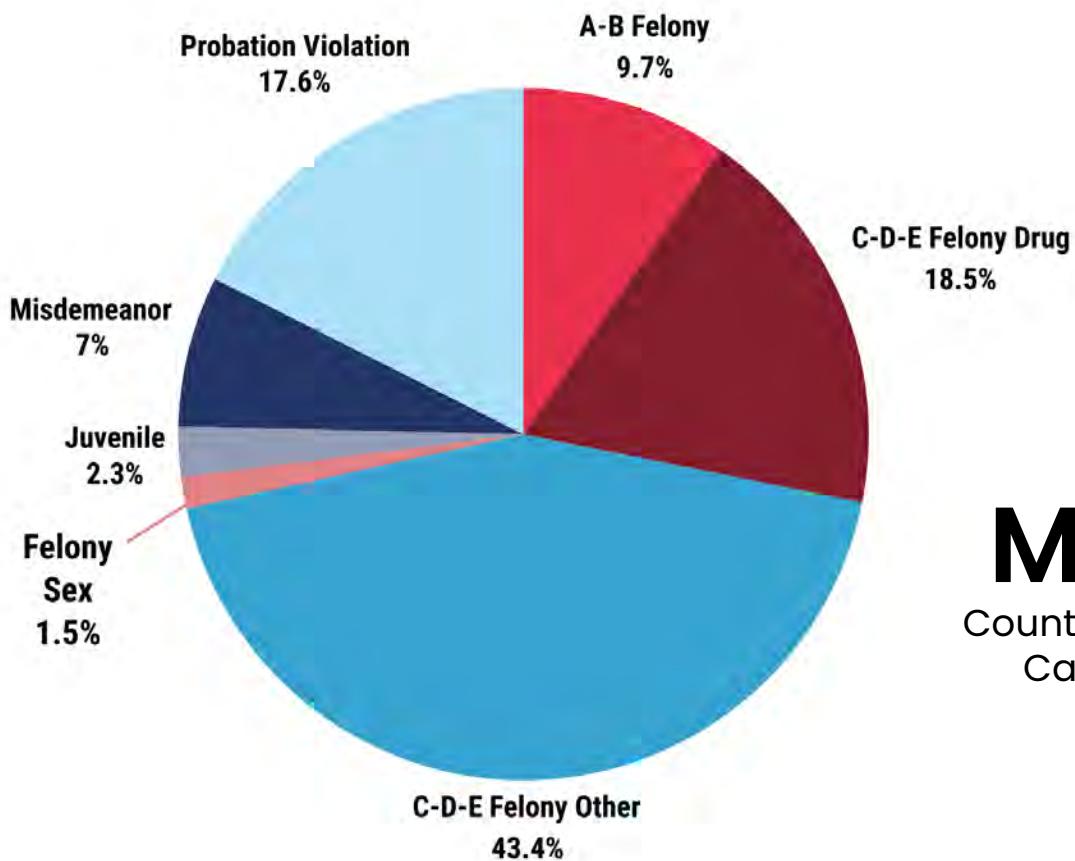
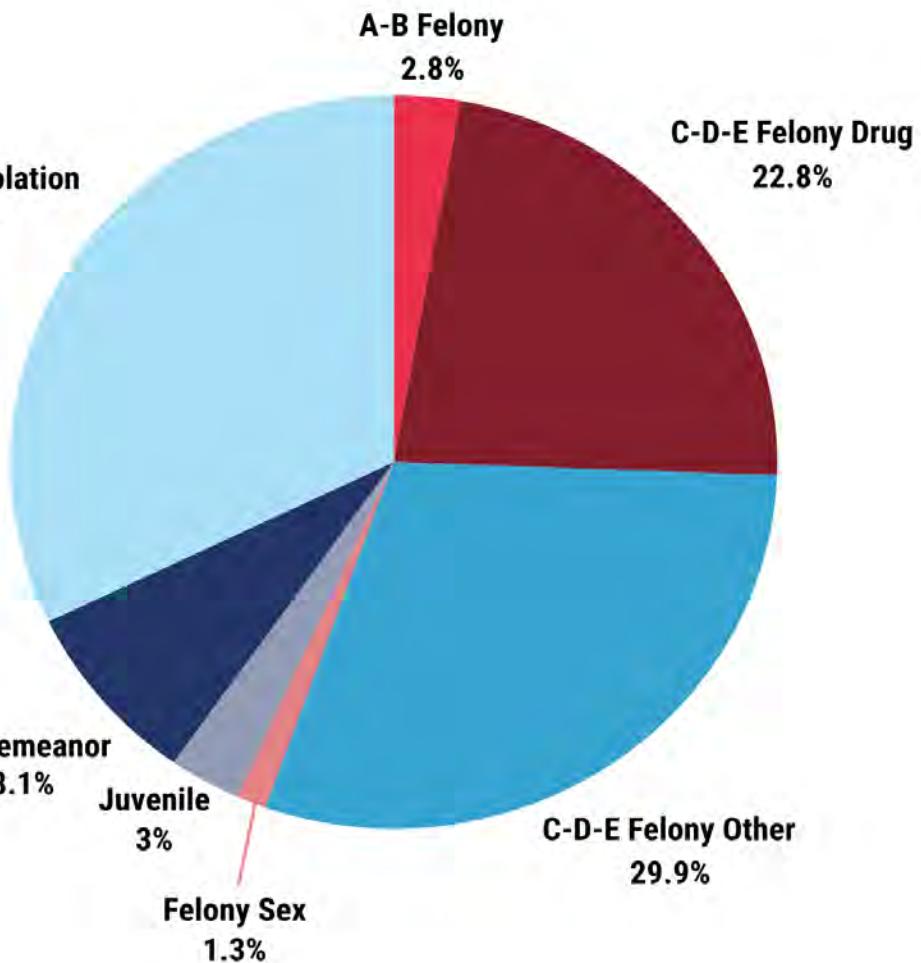


# MONTGOMERY

County Population: 11,322  
Cases Initiated: 268

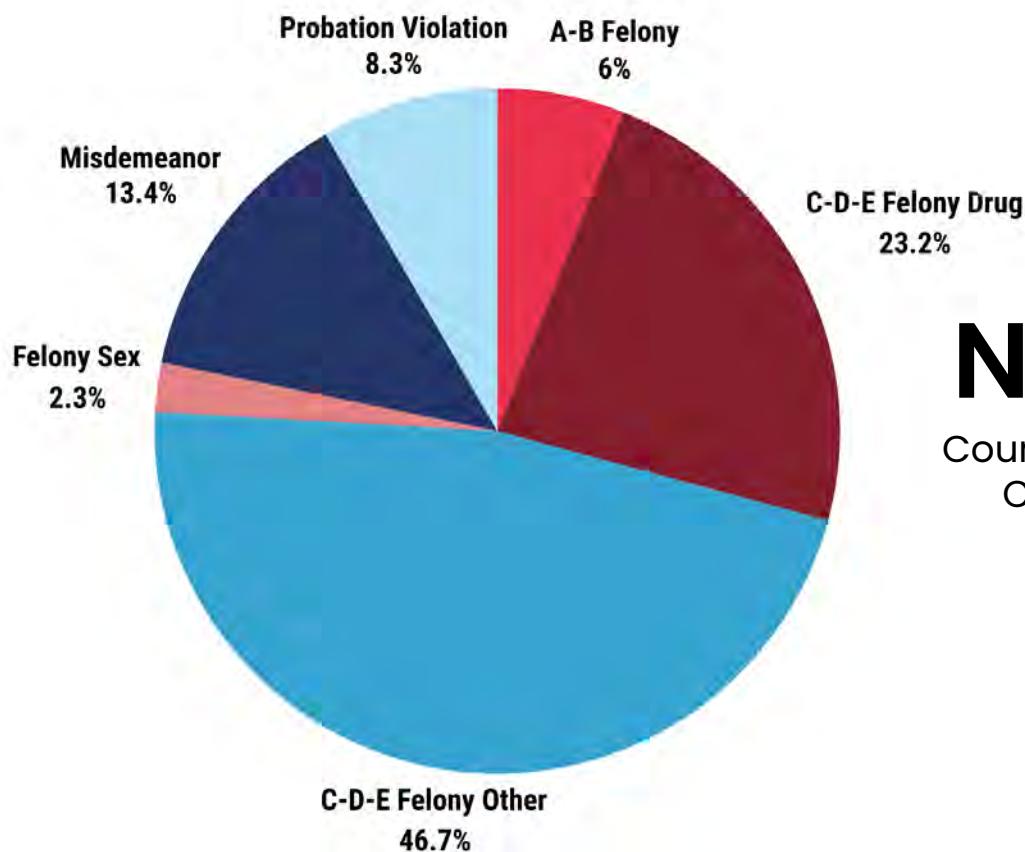
# MORGAN

County Population: 21,006  
Cases Initiated: 395



# NEW MADRID

County Population: 16,434  
Cases Initiated: 341

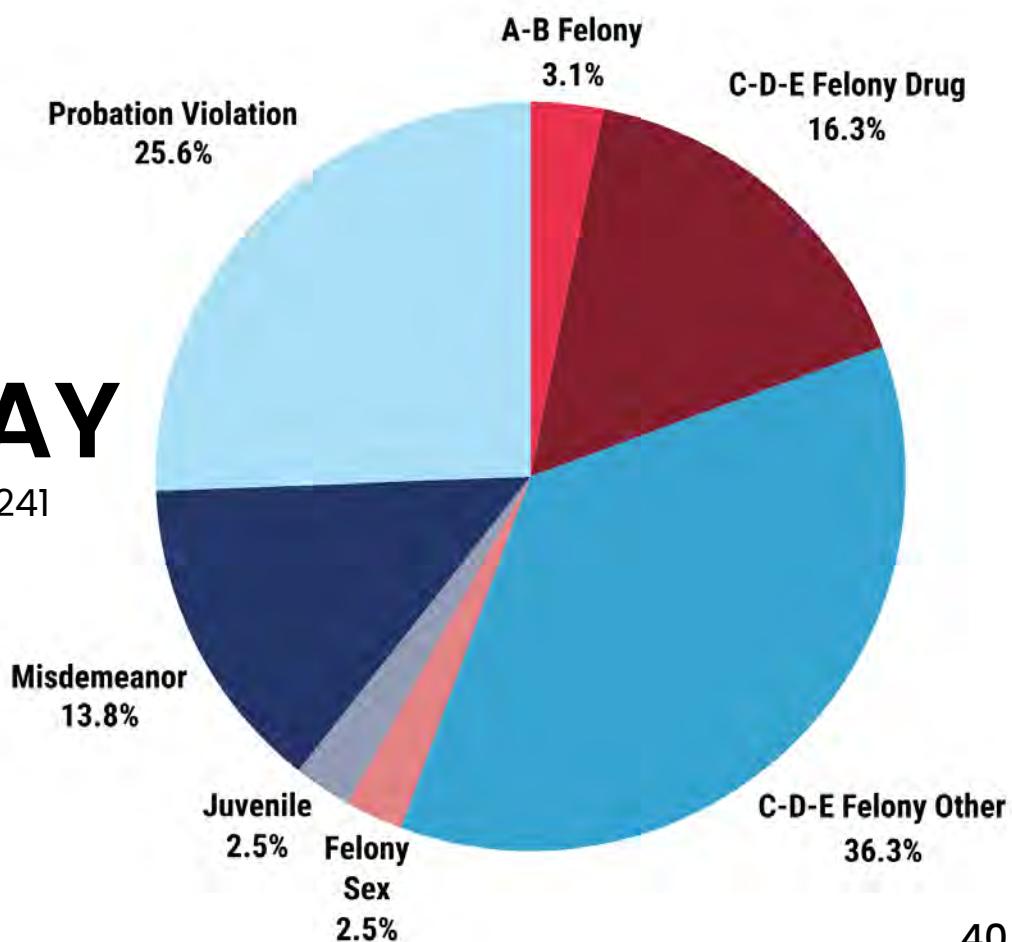


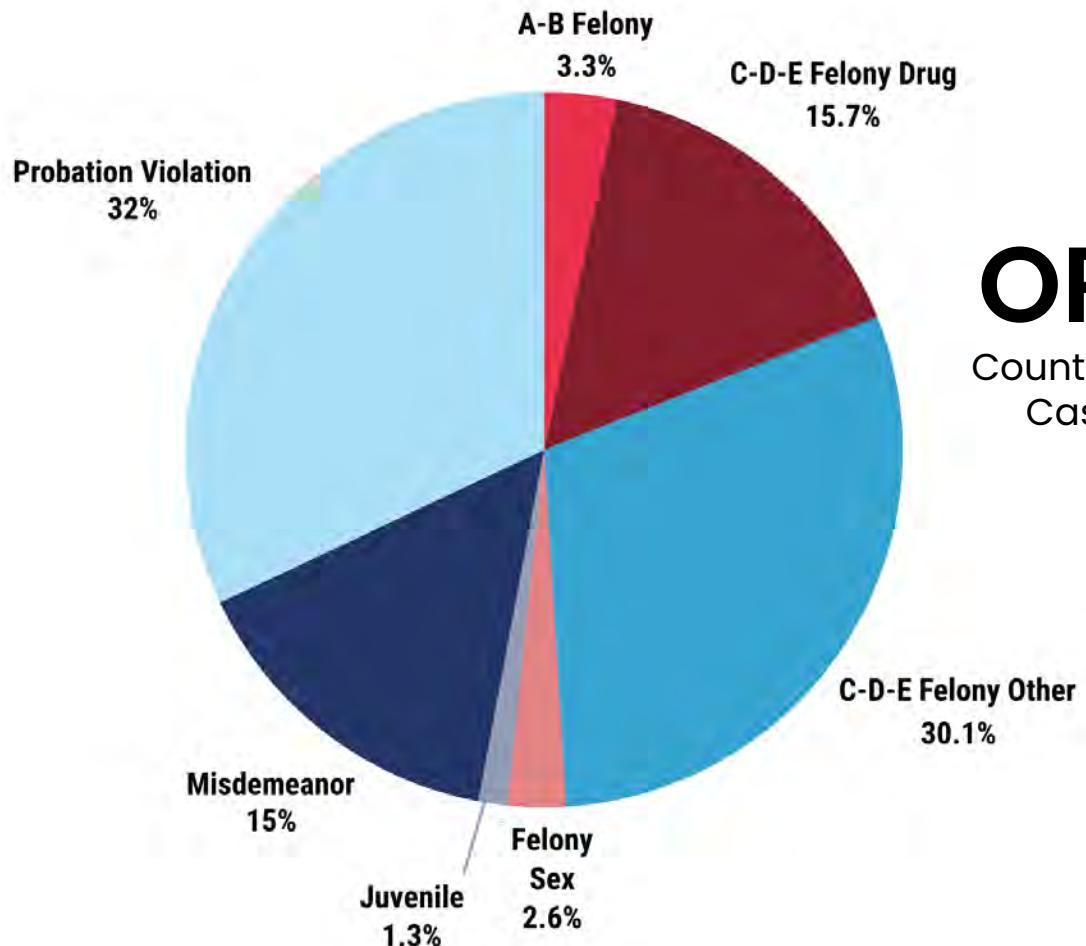
## NEWTON

County Population: 58,648  
Cases Initiated: 645

## NODAWAY

County Population: 21,241  
Cases Initiated: 160



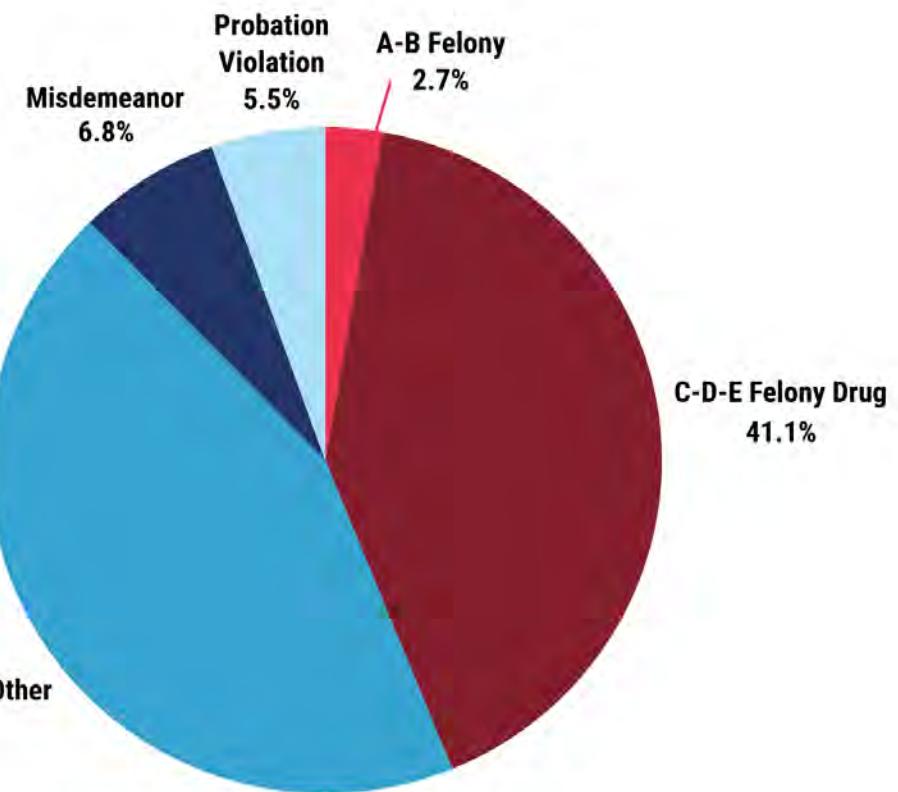


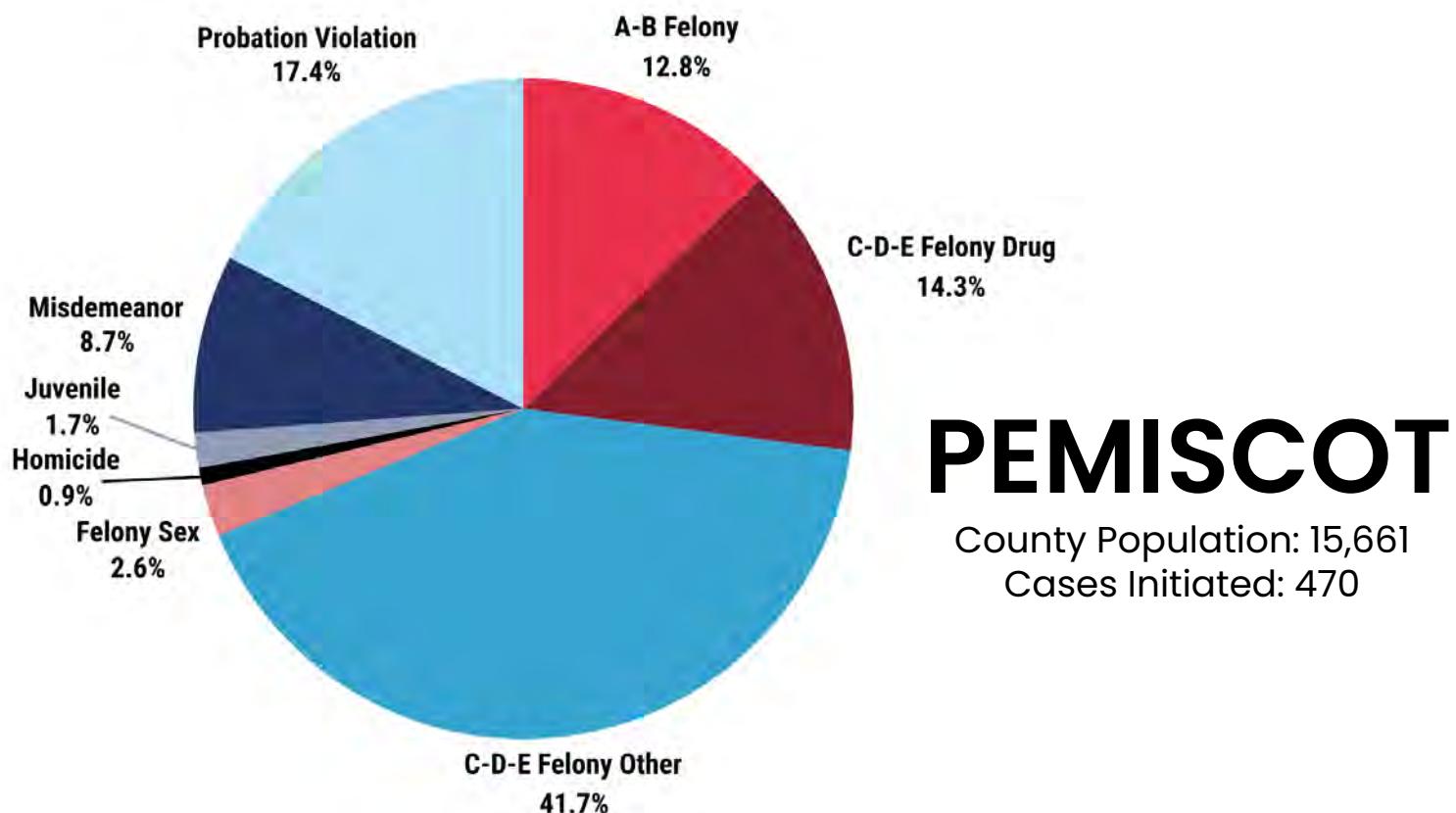
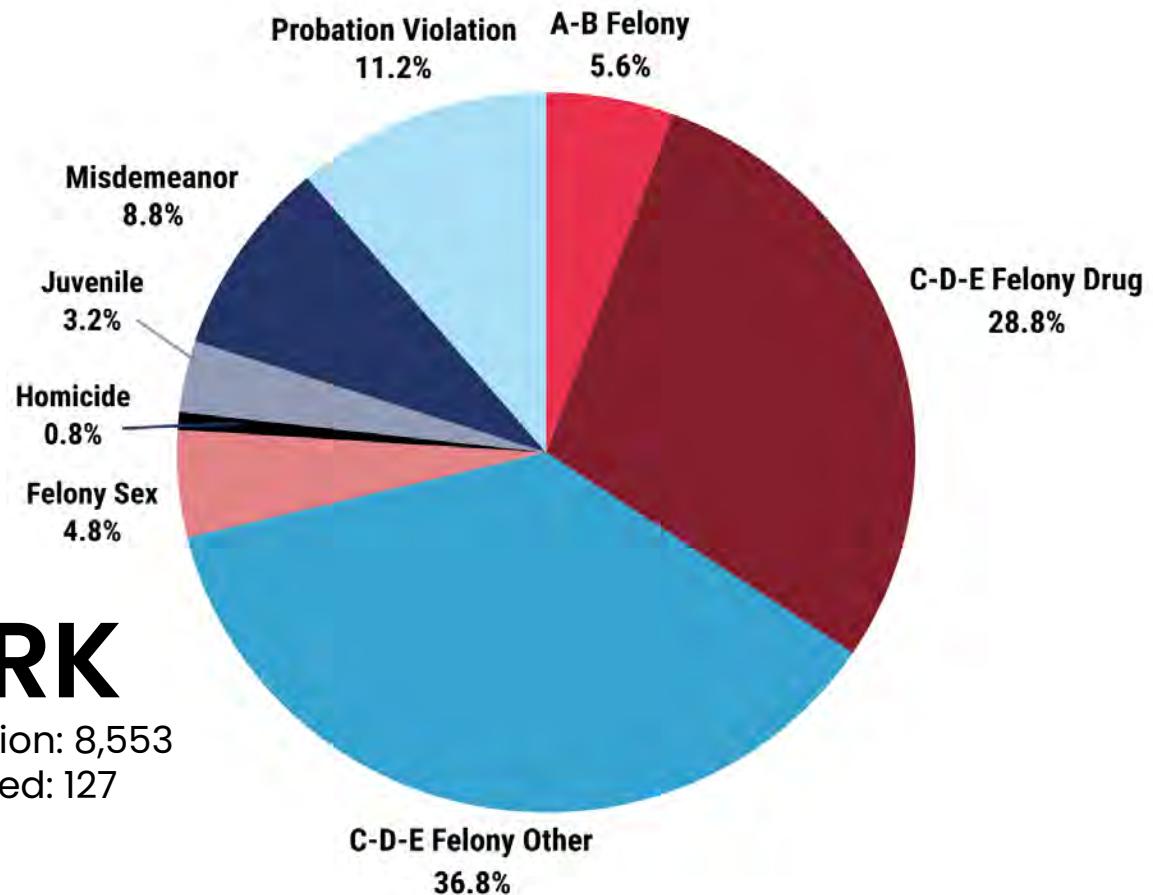
# OREGON

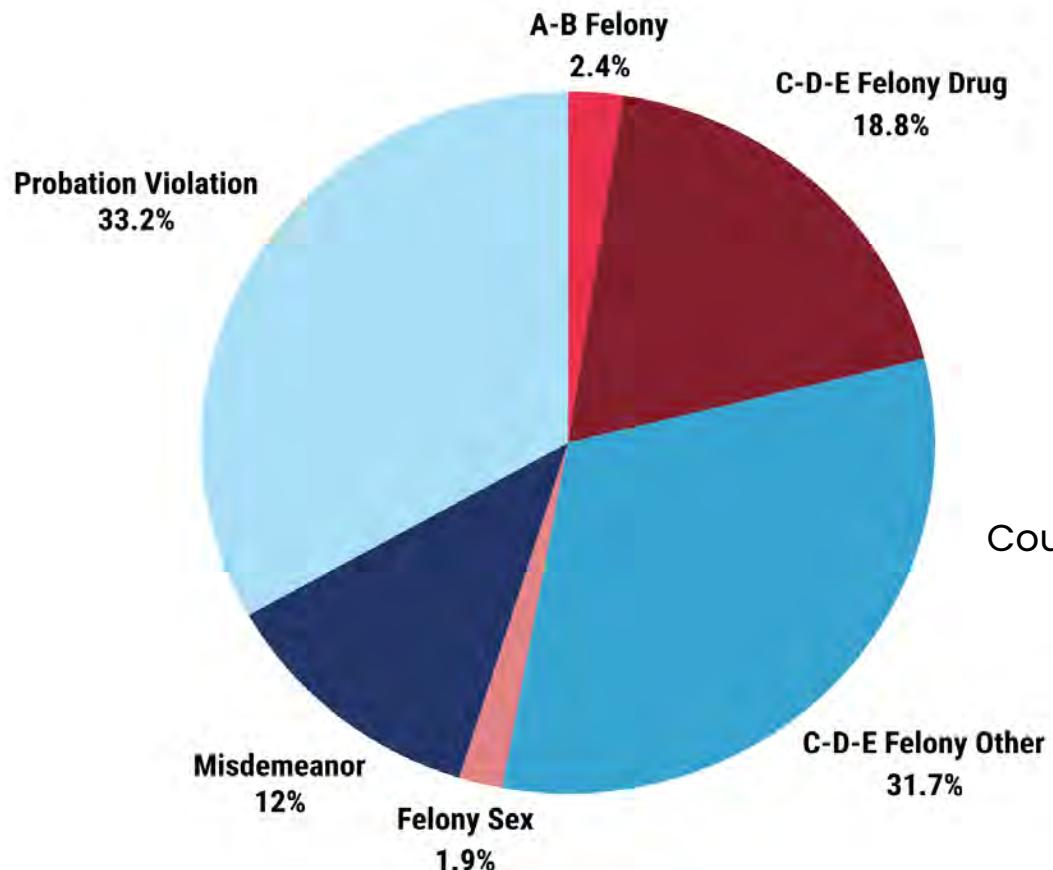
County Population: 8,635  
Cases Initiated: 153

# OSAGE

County Population: 13,274  
Cases Initiated: 74

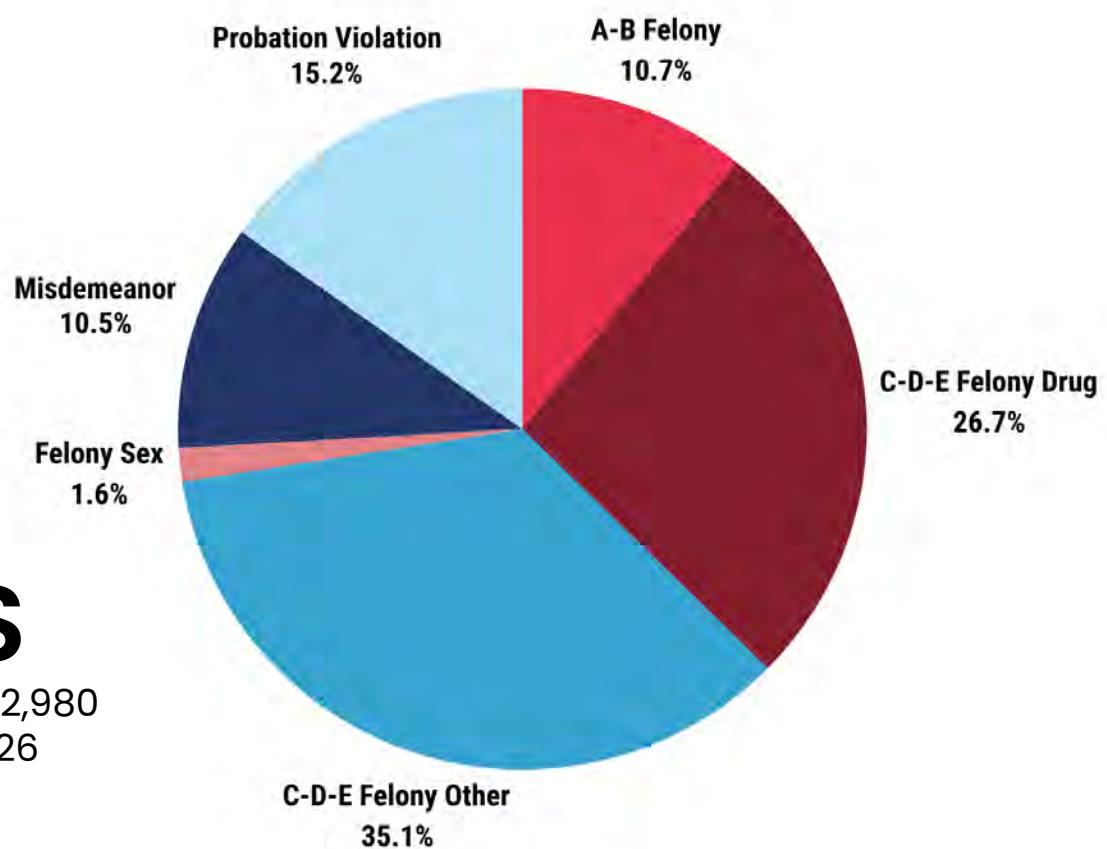






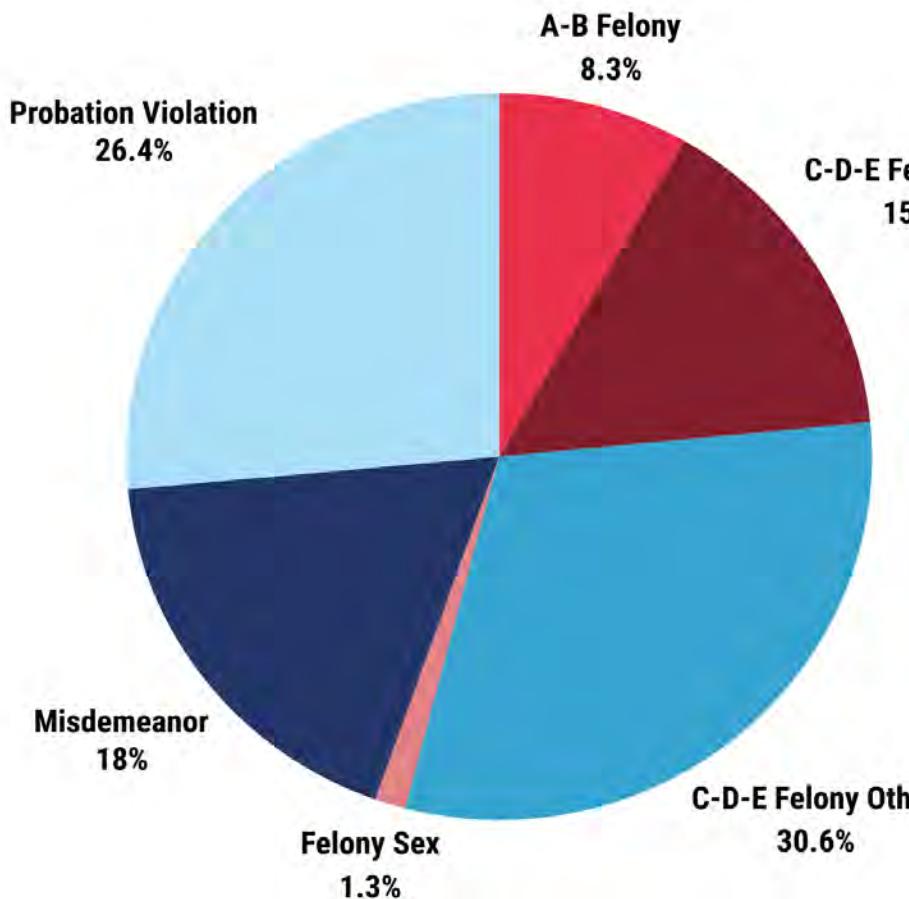
## PERRY

County Population: 18,956  
Cases Initiated: 211



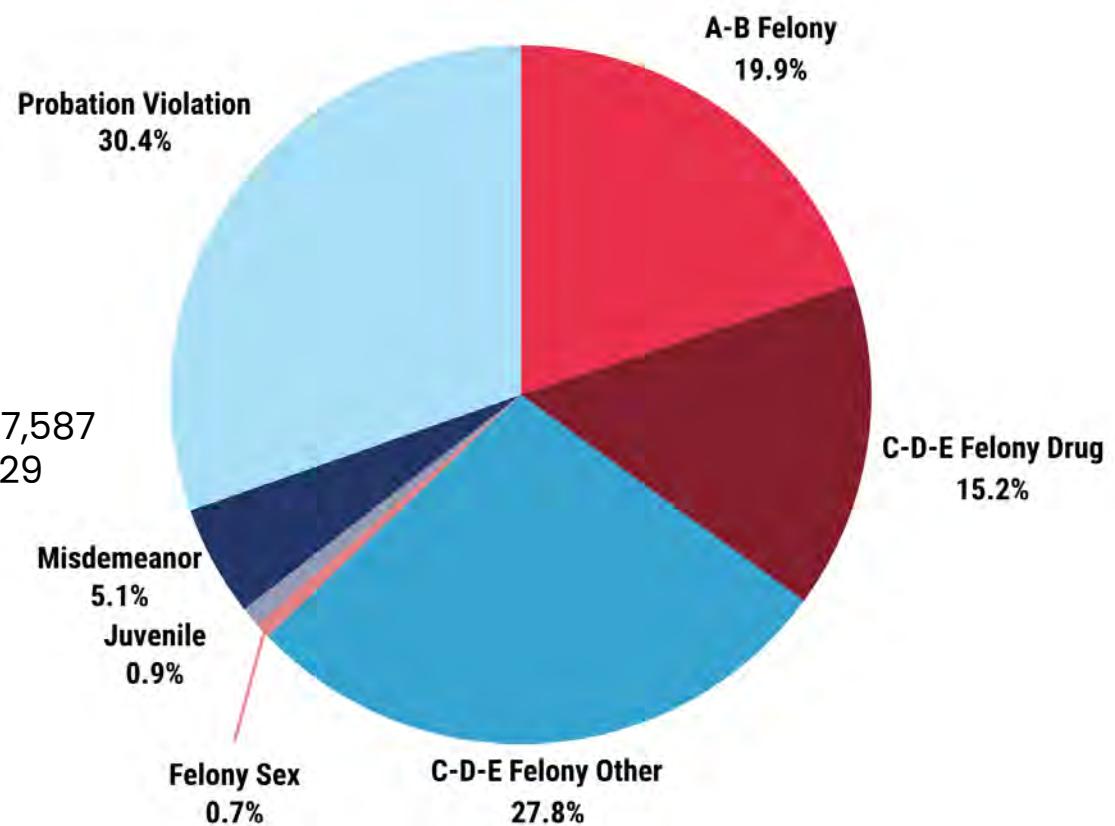
## PETTIS

County Population: 42,980  
Cases Initiated: 626



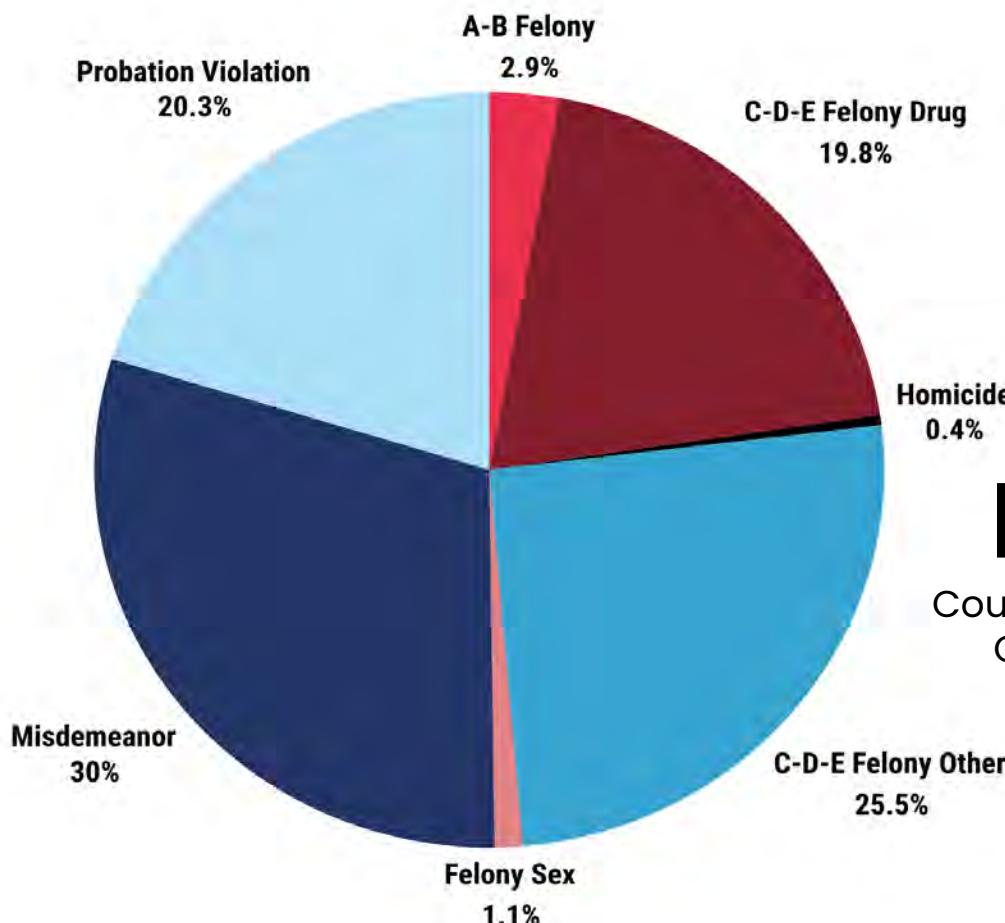
## PHELPS

County Population: 44,638  
Cases Initiated: 750



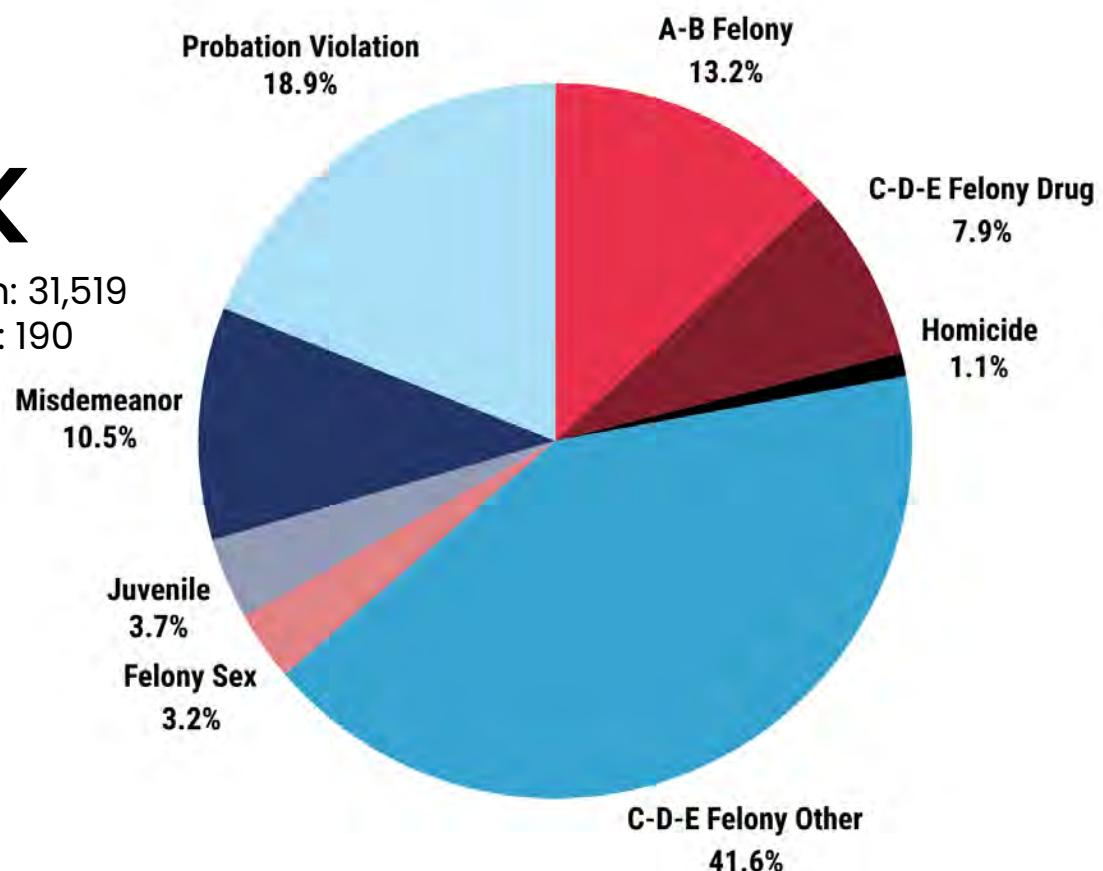
## PIKE

County Population: 17,587  
Cases Initiated: 429



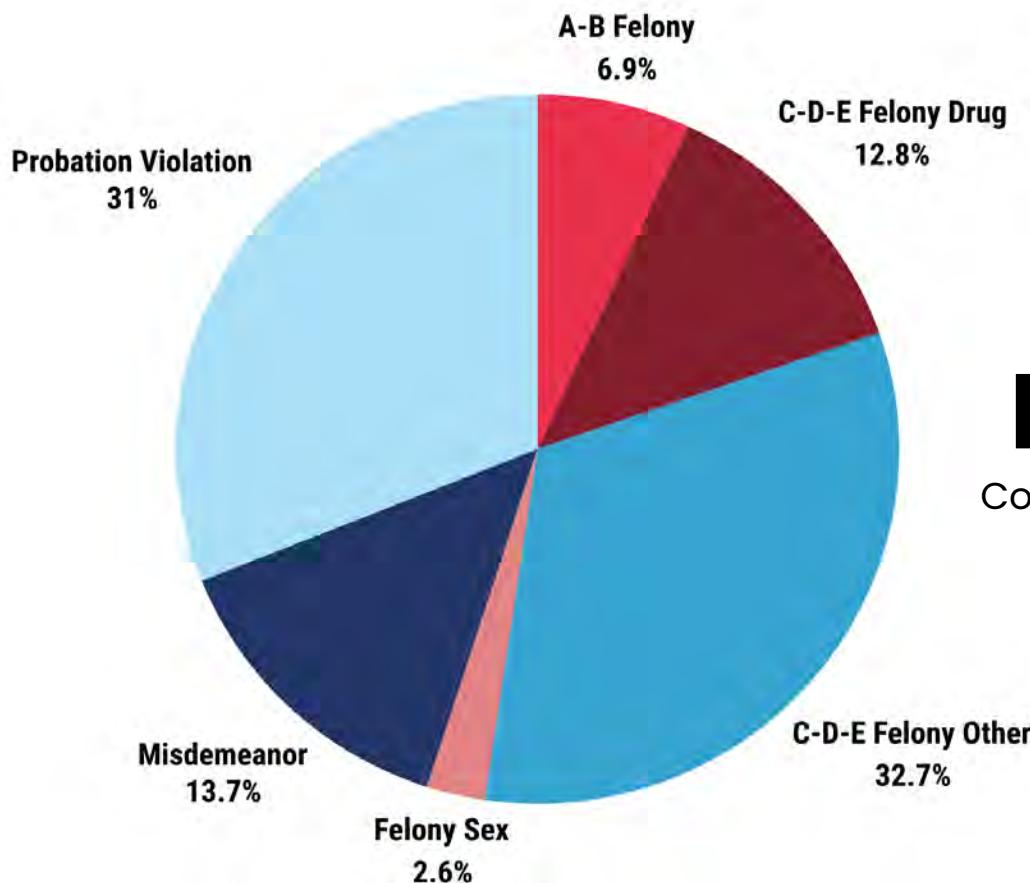
## PLATTE

County Population: 106,718  
Cases Initiated: 703



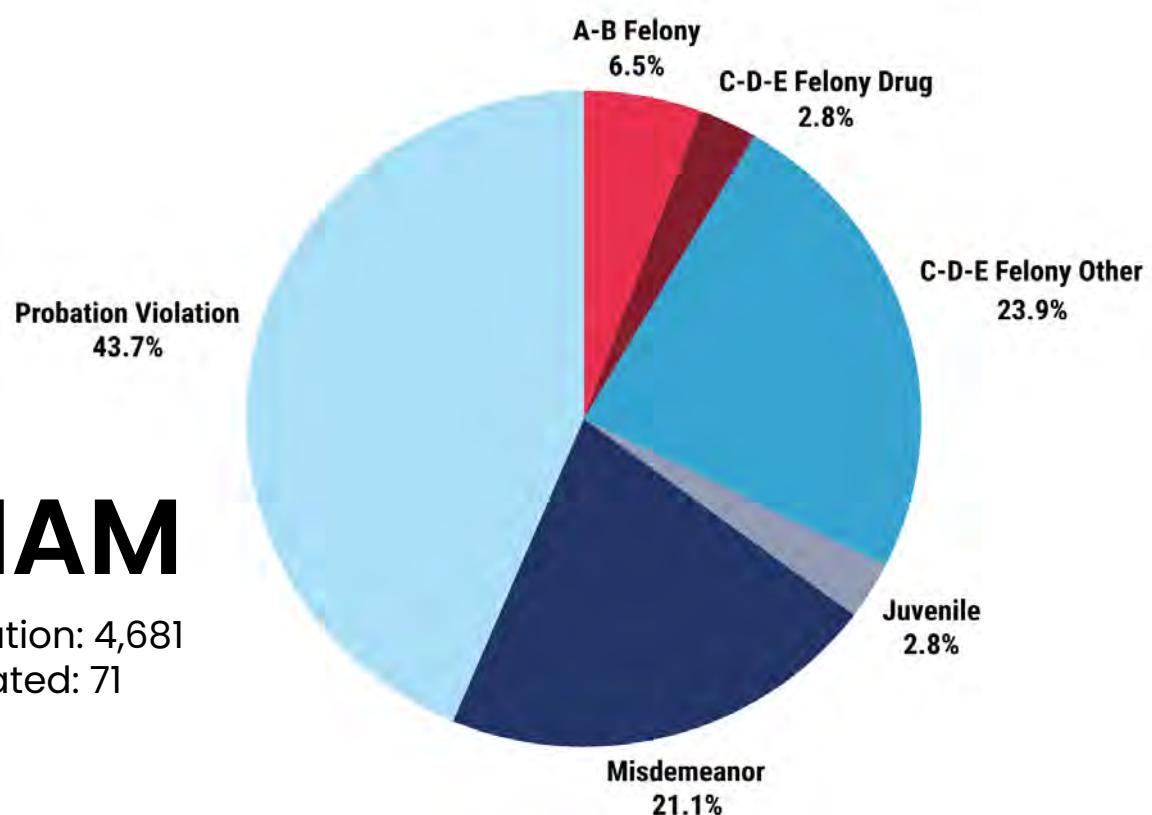
## POLK

County Population: 31,519  
Cases Initiated: 190



## PULASKI

County Population: 53,955  
Cases Initiated: 686

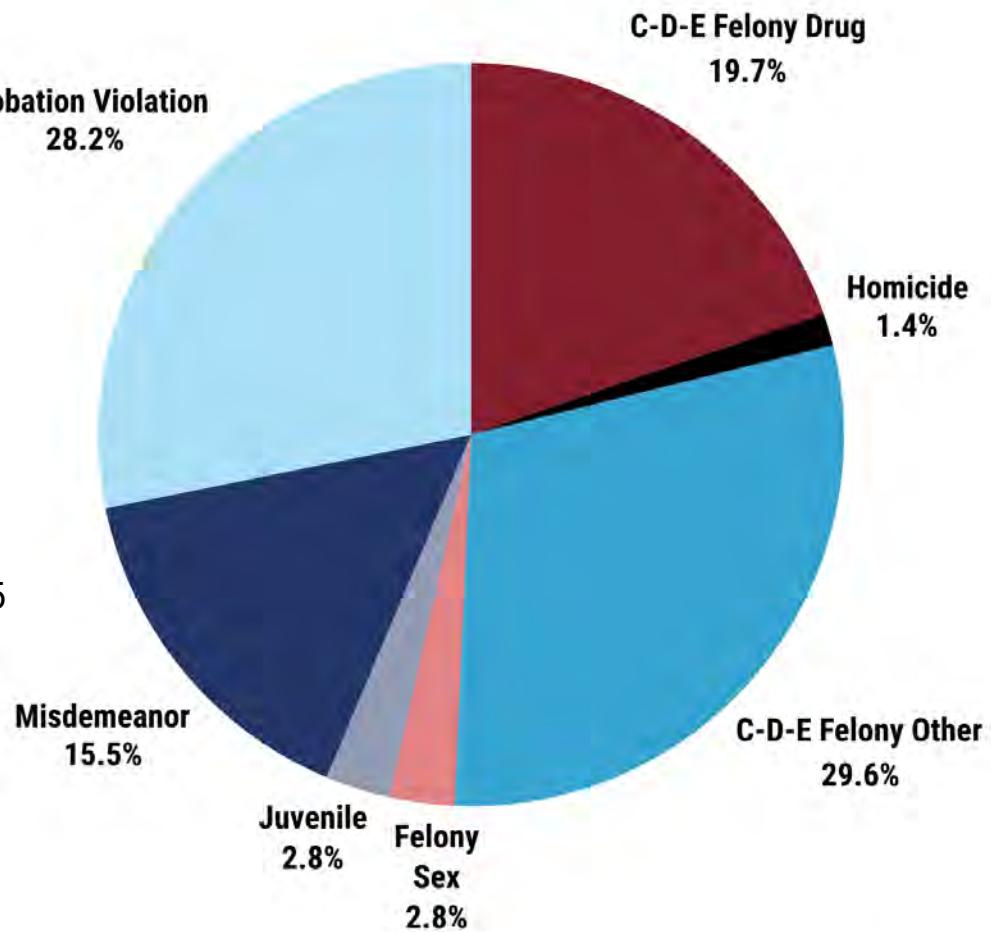


## PUTNAM

County Population: 4,681  
Cases Initiated: 71

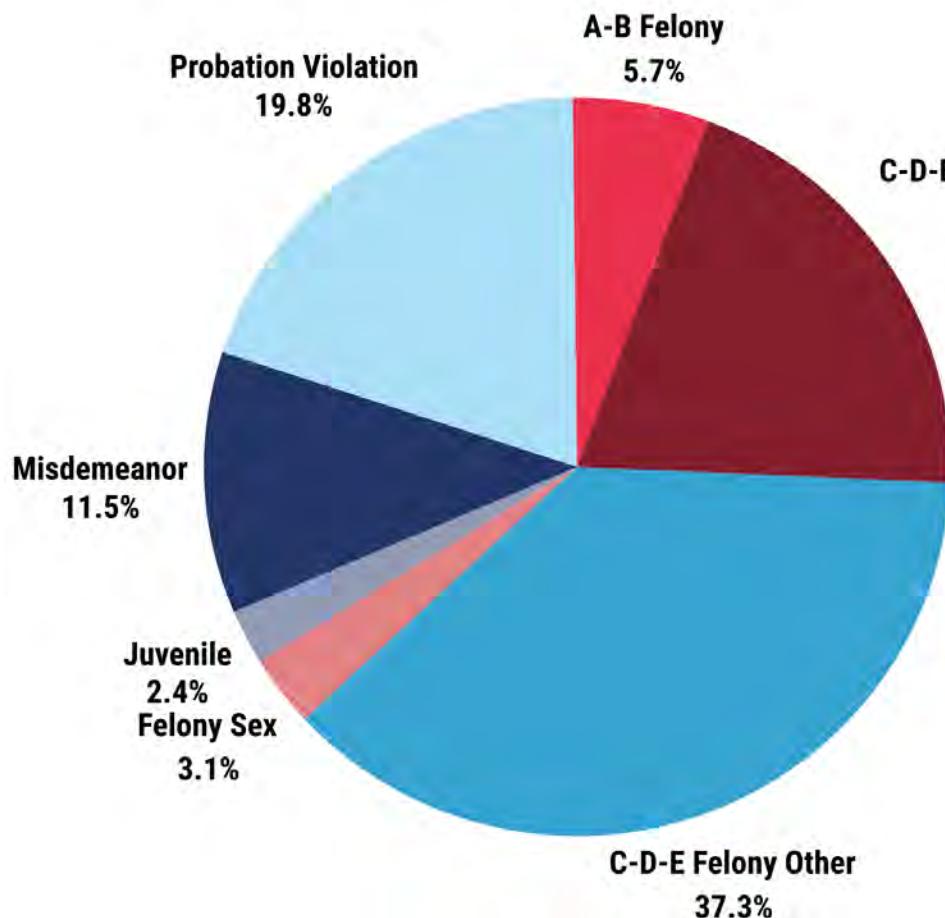
## RALLS

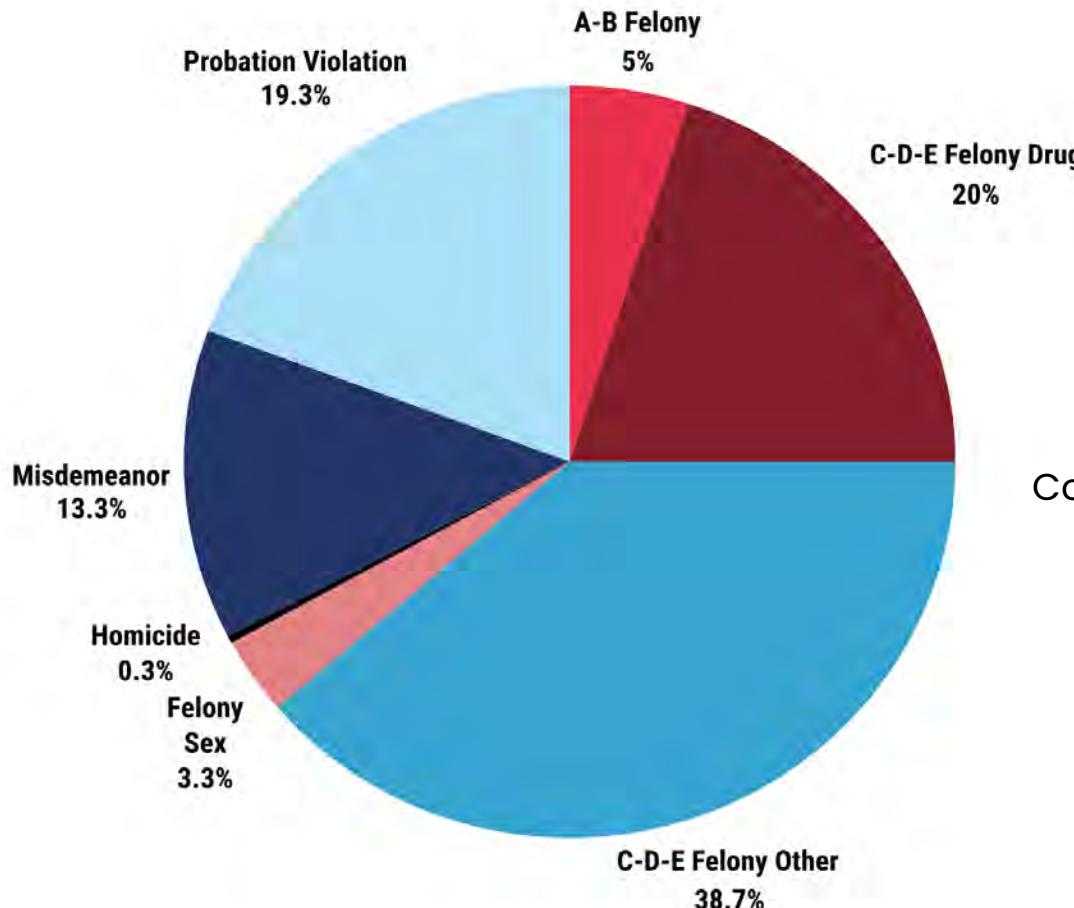
County Population: 10,355  
Cases Initiated: 72



## RANDOLPH

County Population: 24,716  
Cases Initiated: 542



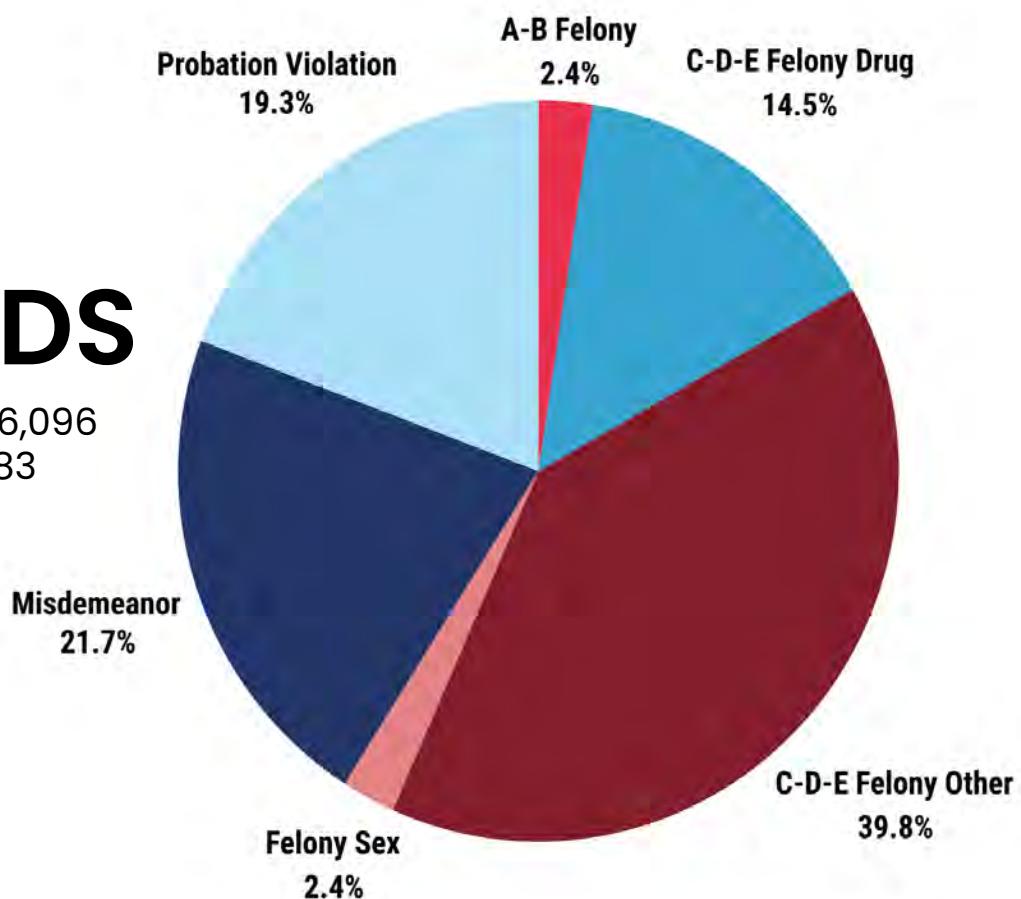


## RAY

County Population: 23,158  
Cases Initiated: 301

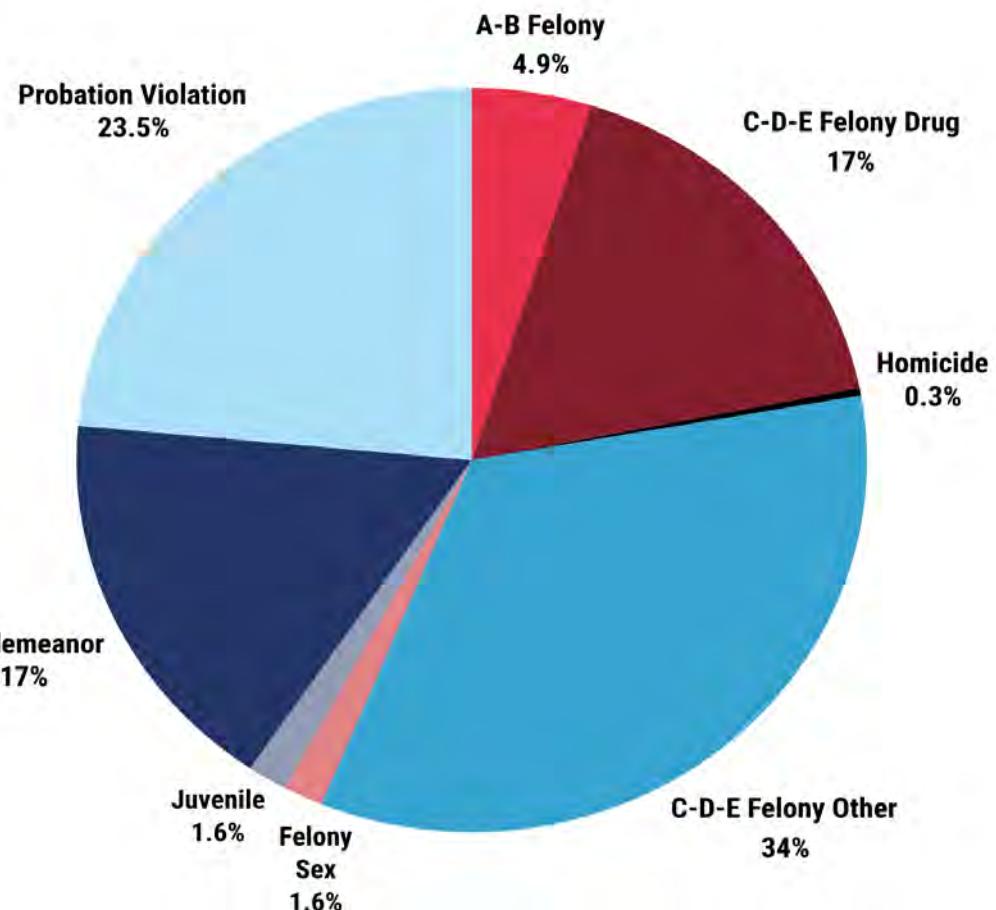
## REYNOLDS

County Population: 6,096  
Cases Initiated: 83



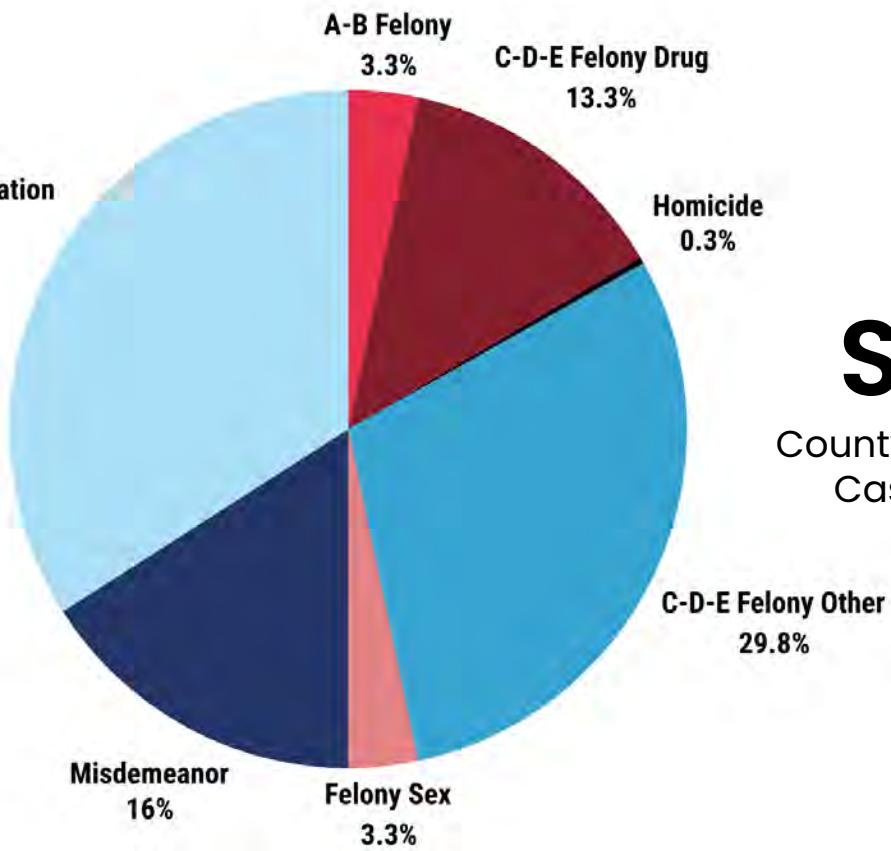
# RIPLEY

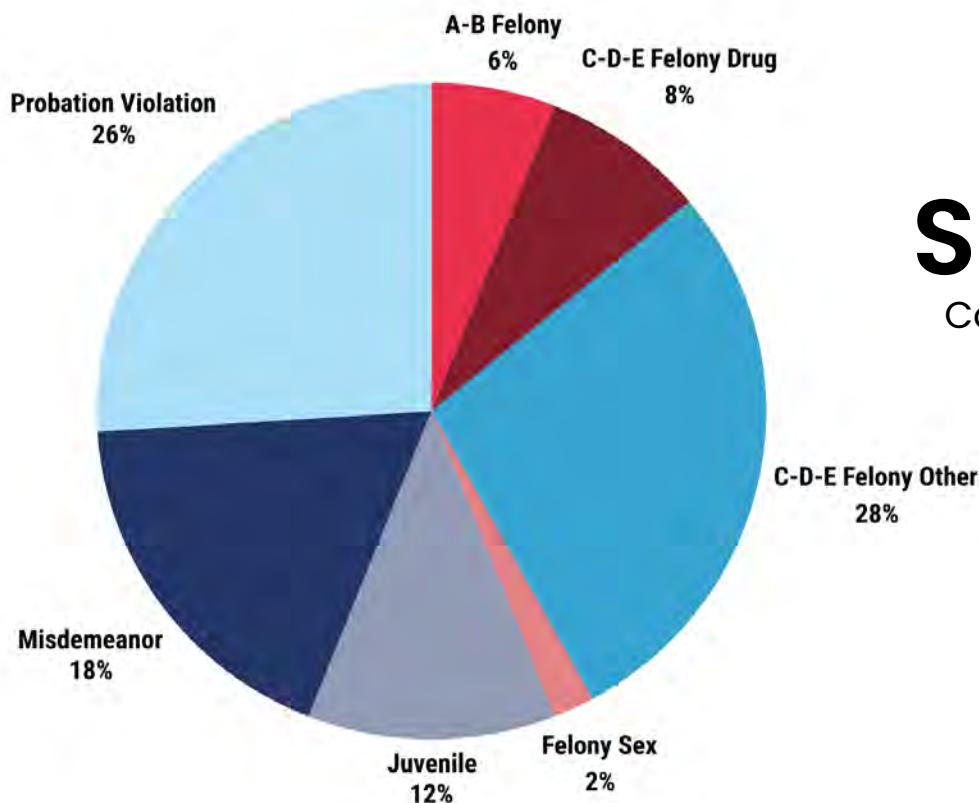
County Population: 10,679  
Cases Initiated: 306



# SALINE

County Population: 23,333  
Cases Initiated: 335



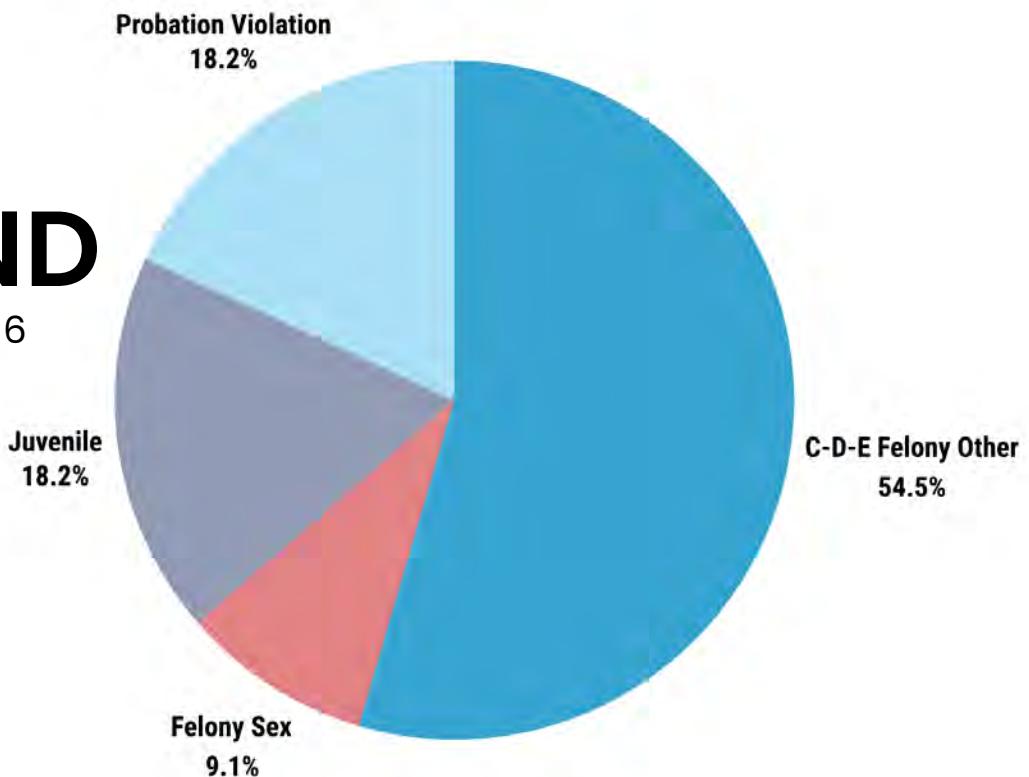


# SCHUYLER

County Population: 4,032  
Cases Initiated: 50

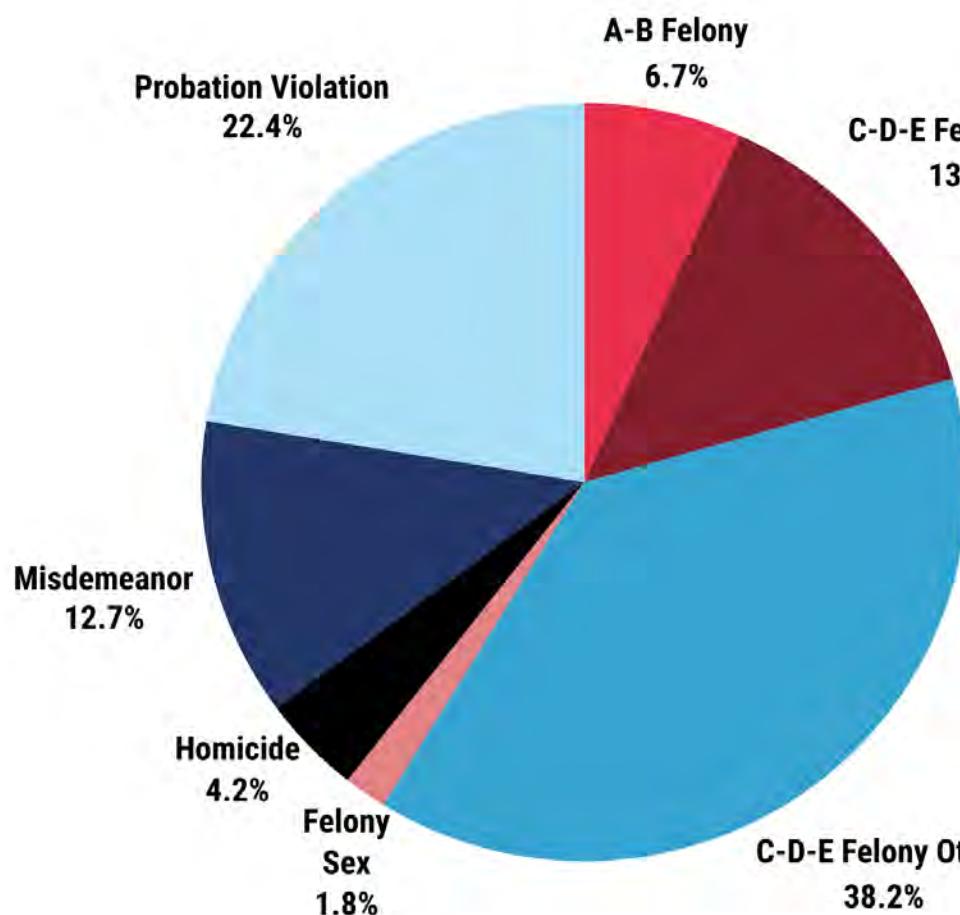
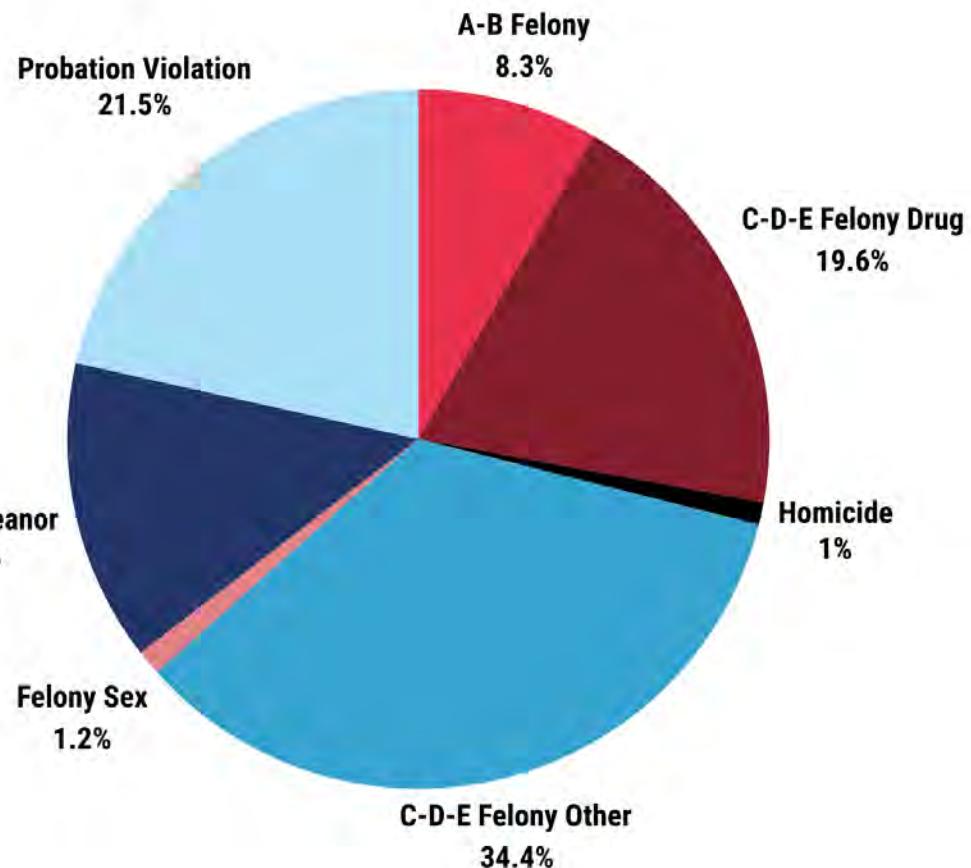
# SCOTLAND

County Population: 4,716  
Cases Initiated: 11



# SCOTT

County Population: 38,059  
Cases Initiated: 787

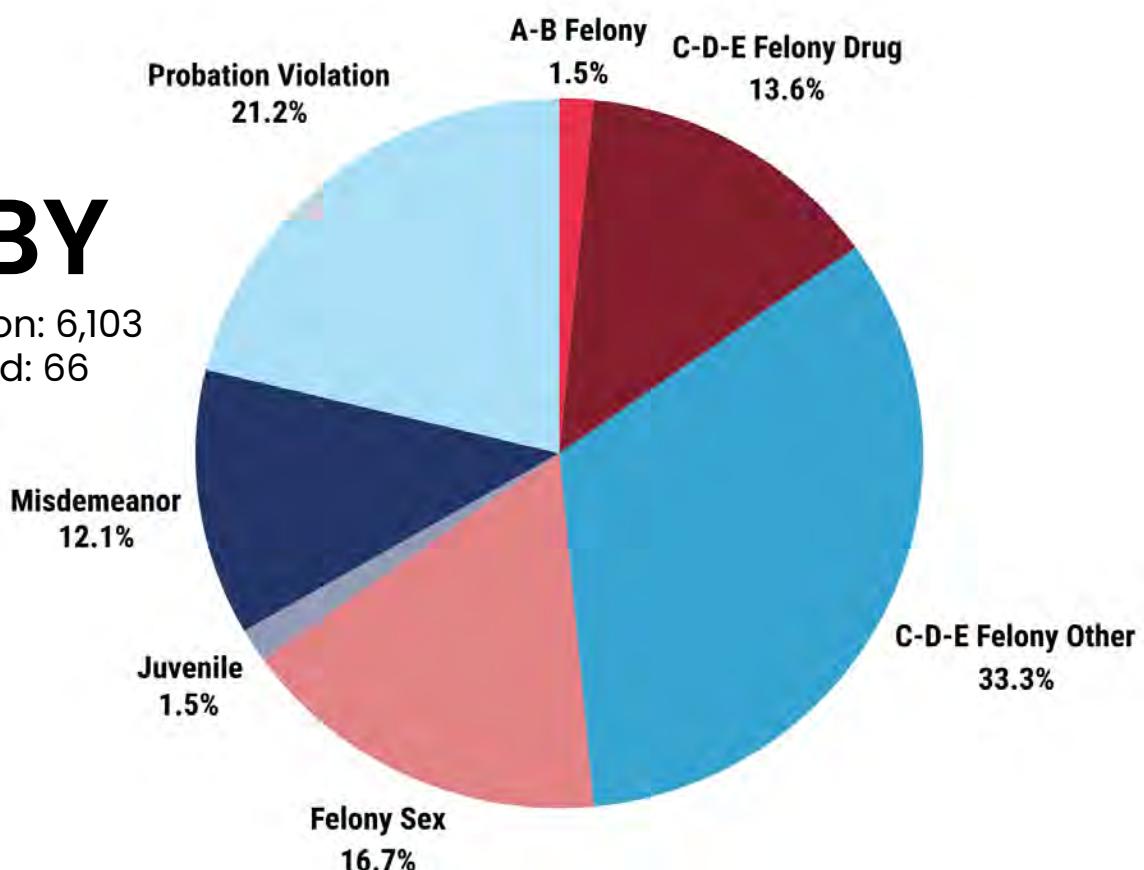


# SHANNON

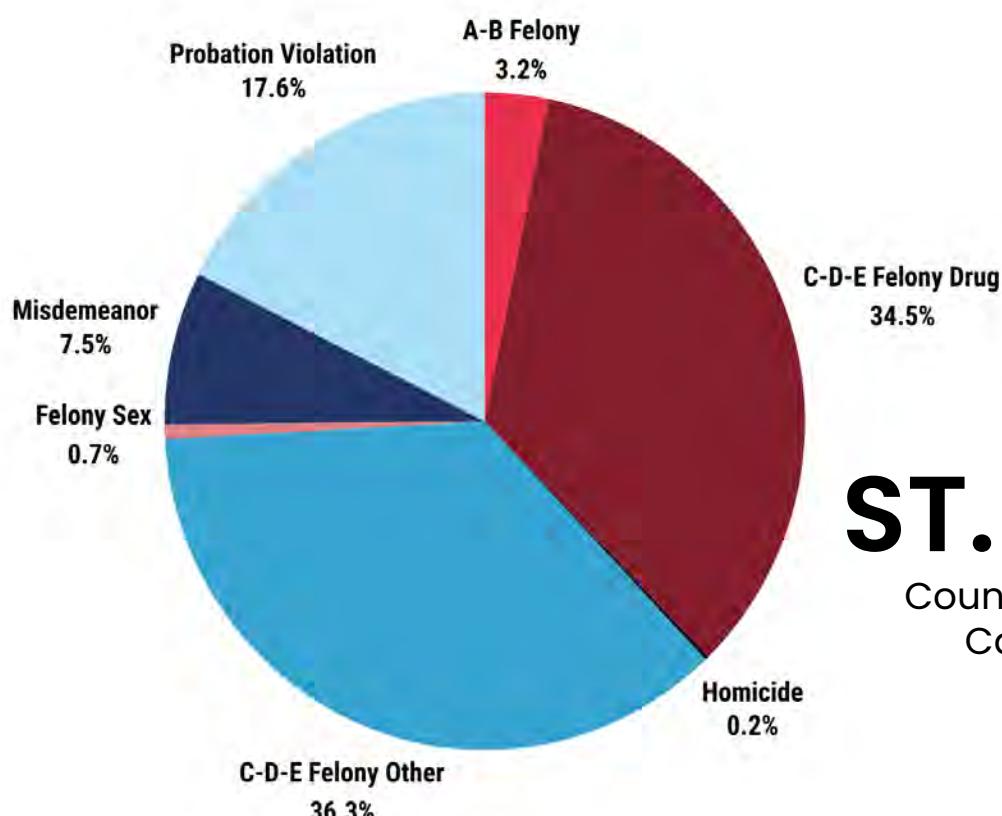
County Population: 7,031  
Cases Initiated: 167

# SHELBY

County Population: 6,103  
Cases Initiated: 66



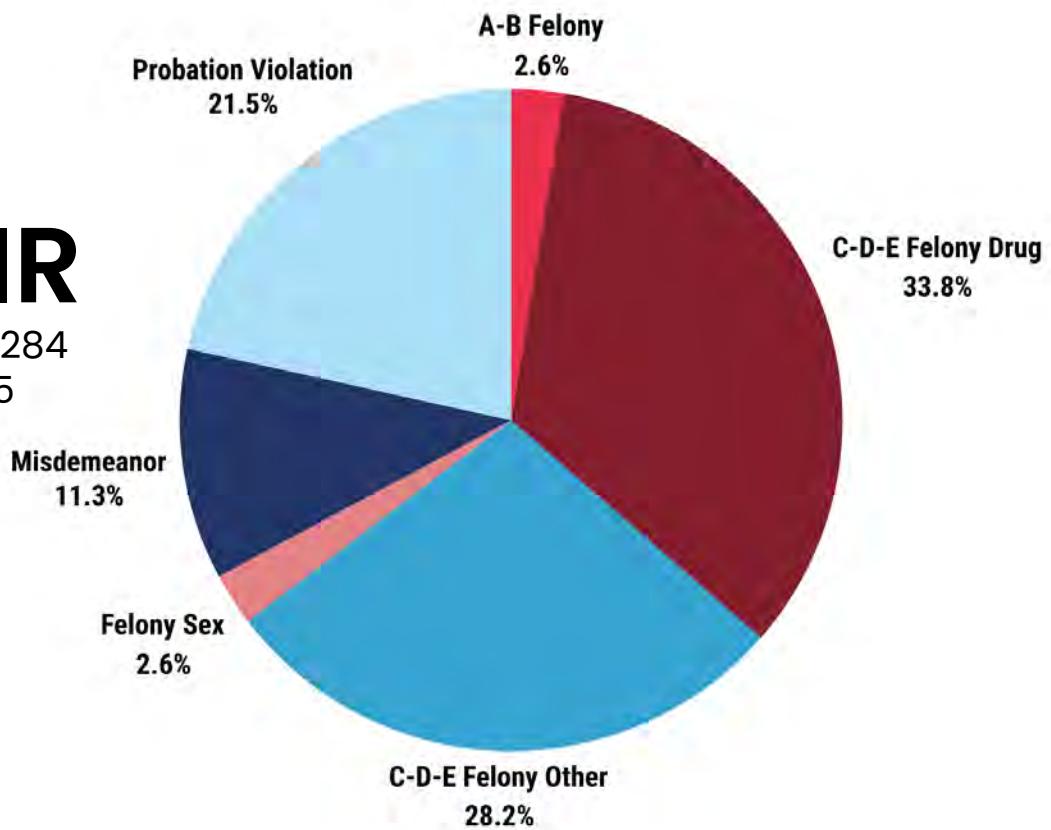
# ST. CHARLES



County Population: 405,262  
Cases Initiated: 1,859

# ST. CLAIR

County Population: 9,284  
Cases Initiated: 195



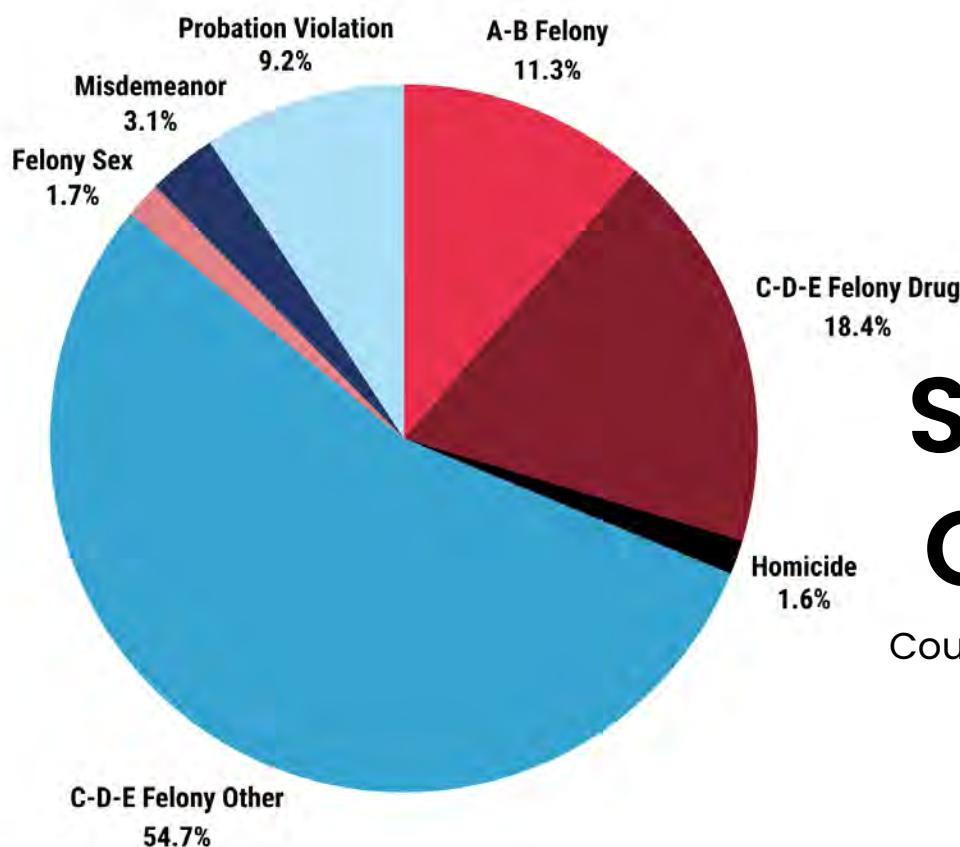
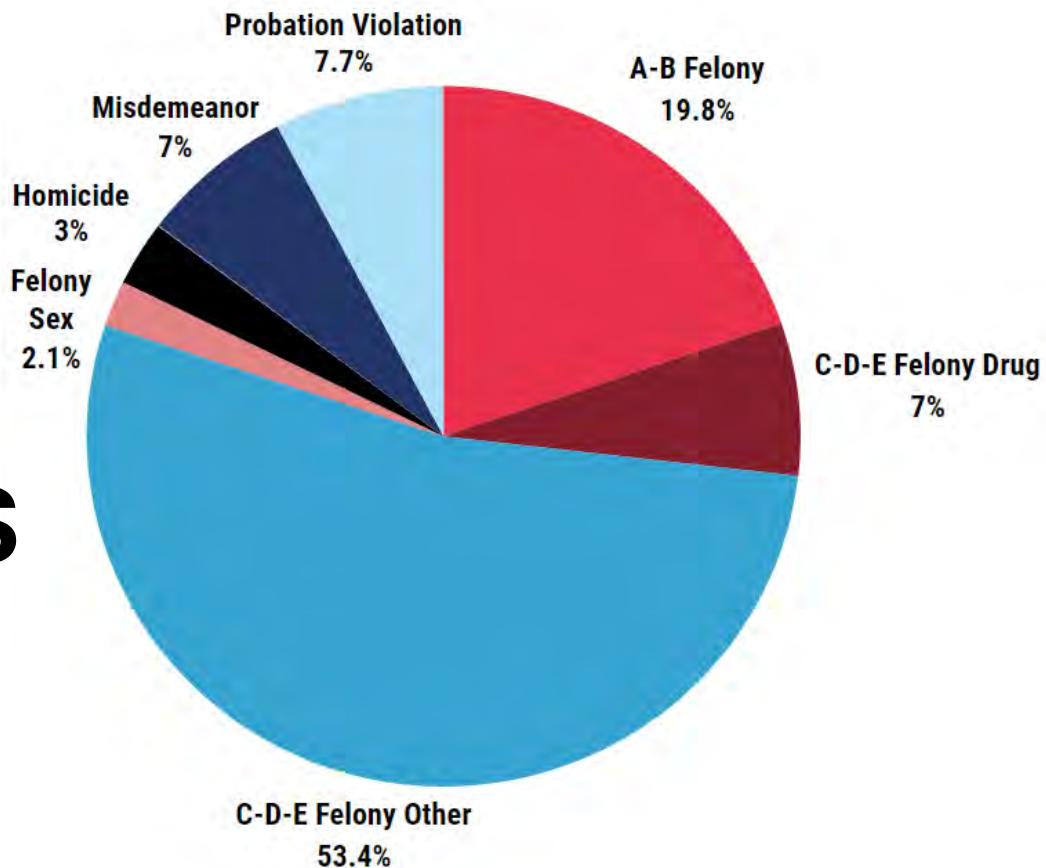
# ST. FRANCOIS

County Population: 66,922  
Cases Initiated: 917



# ST. LOUIS CITY

City Population: 301,578  
Cases Initiated: 2,390

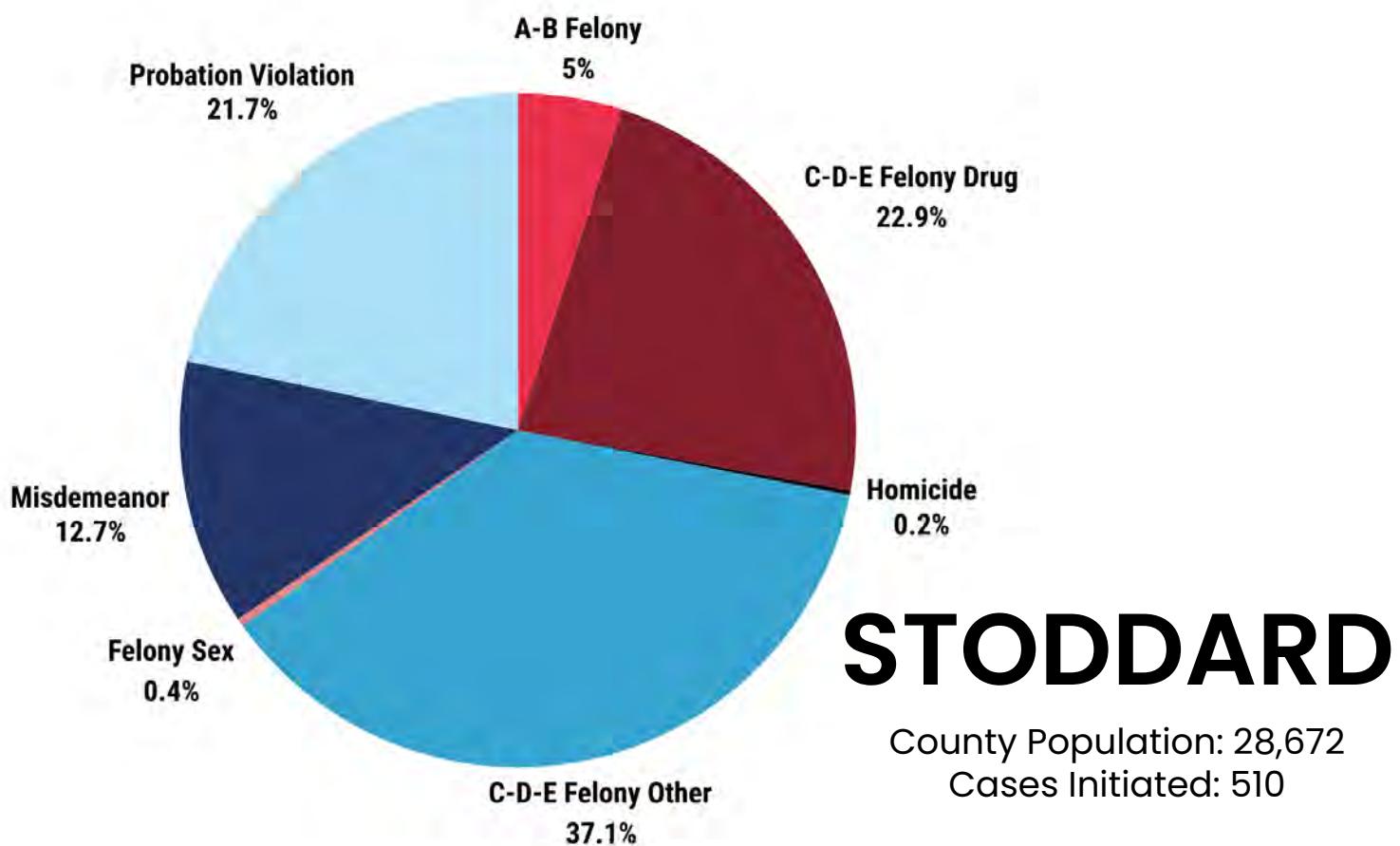
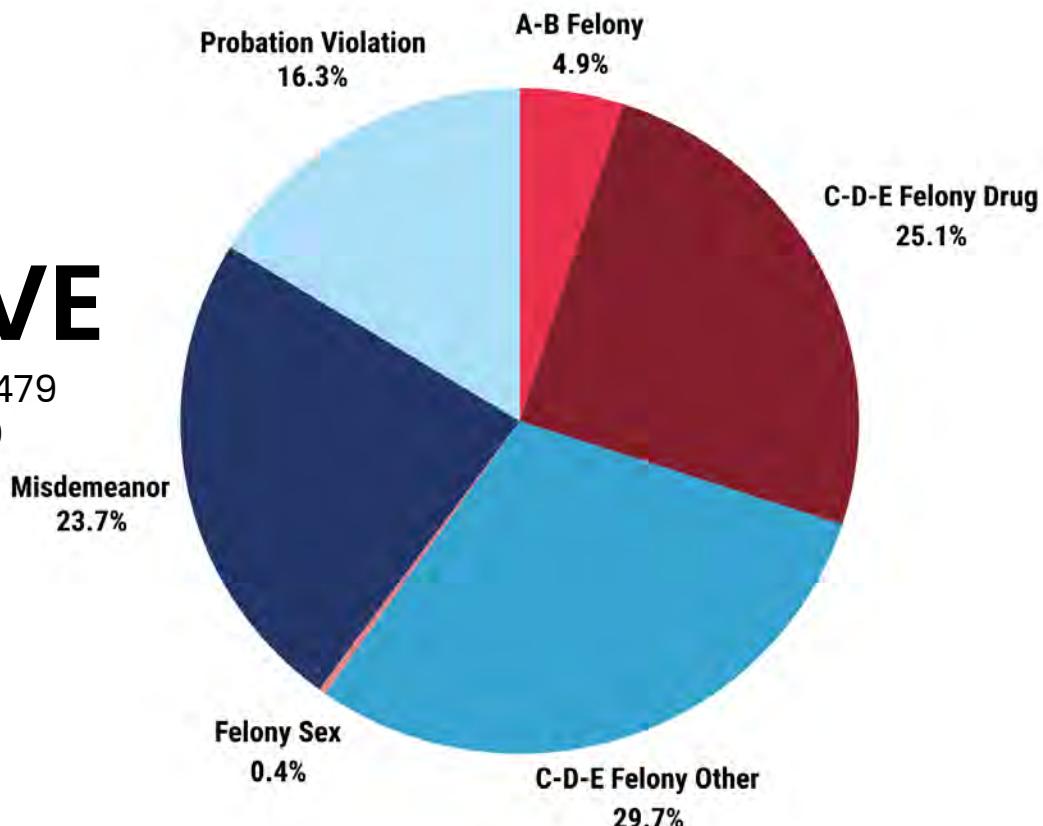


# ST. LOUIS COUNTY

County Population: 1,004,125  
Cases Initiated: 3,112

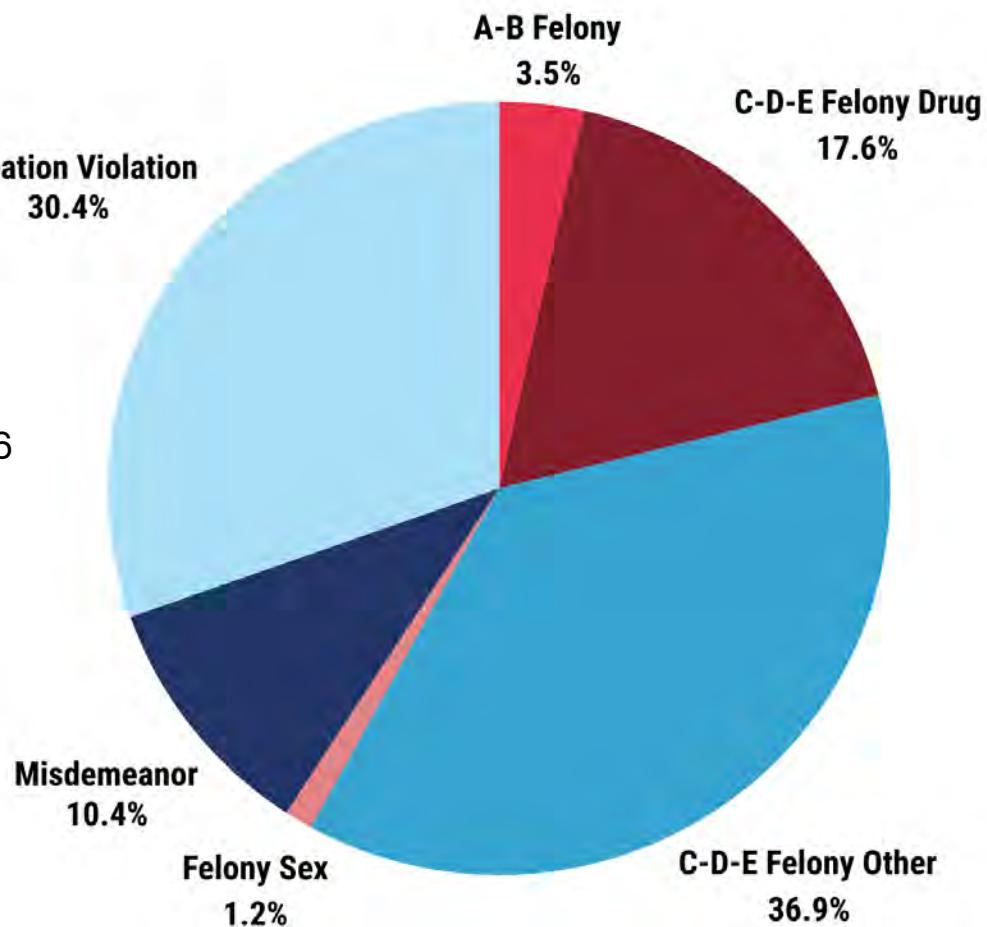
# STE. GENEVIEVE

County Population: 18,479  
Cases Initiated: 280



# STONE

County Population: 31,076  
Cases Initiated: 431



Probation Violation  
16.8%

Misdemeanor  
11.6%

Felony Sex  
7.4%

A-B Felony  
5.3%

C-D-E Felony Drug  
10.5%

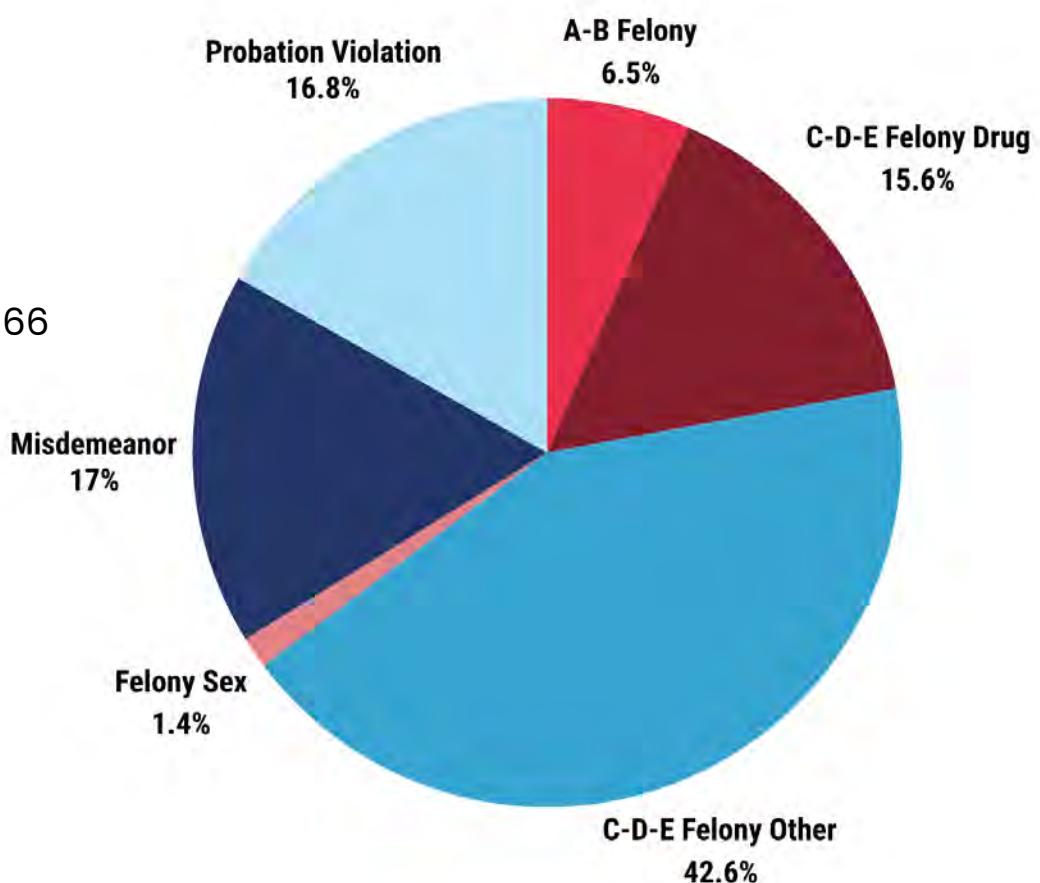
# SULLIVAN

County Population: 5,999  
Cases Initiated: 95

C-D-E Felony Other  
48.4%

# TANEY

County Population: 56,066  
Cases Initiated: 1,078



Probation Violation  
41.8%

Misdemeanor  
5.4%

Felony  
Sex  
1.4%

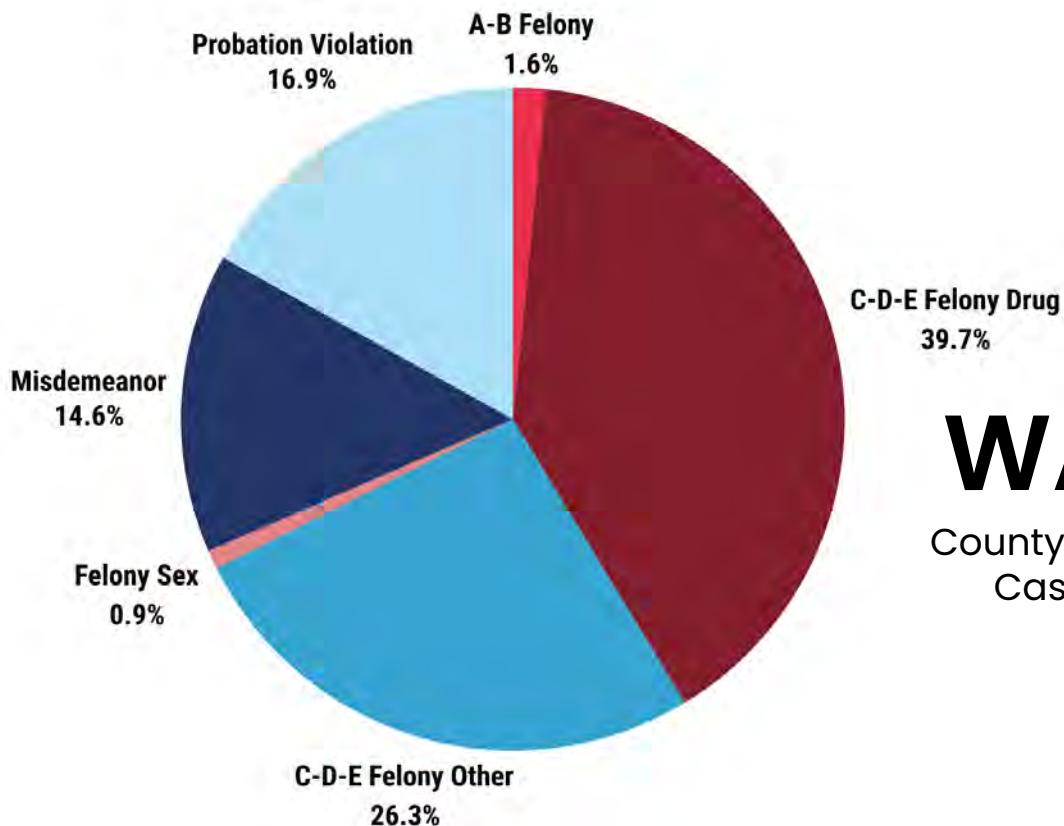
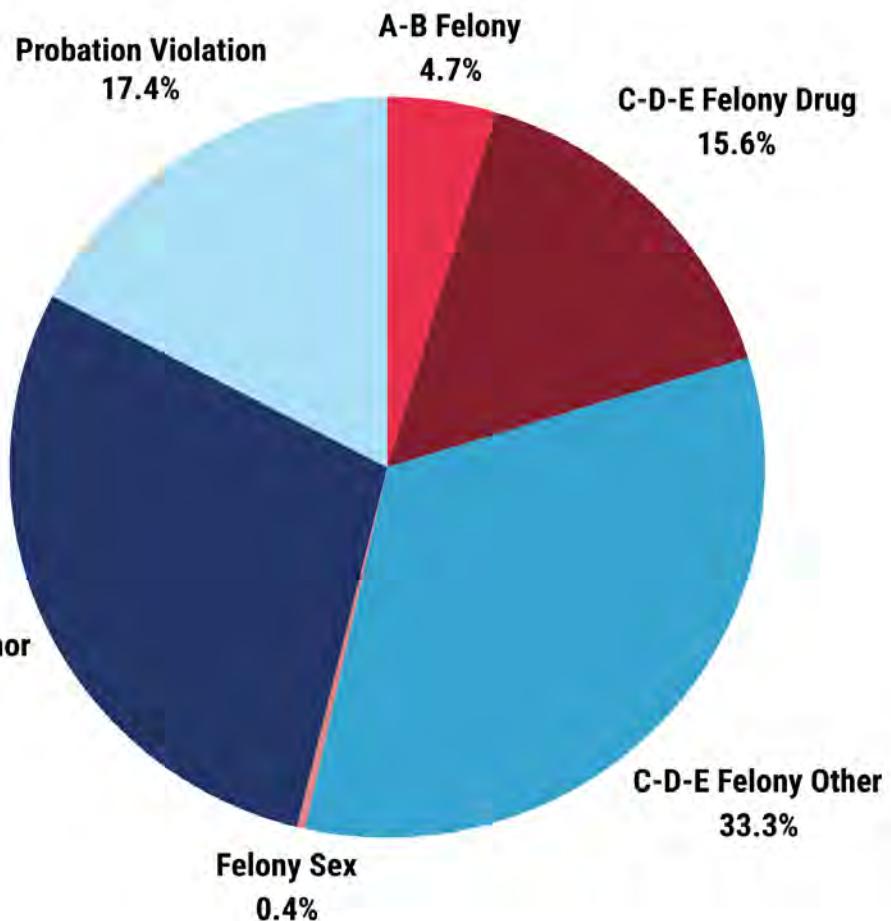
# TEXAS

County Population: 24,487  
Cases Initiated: 368

C-D-E Felony Other  
34%

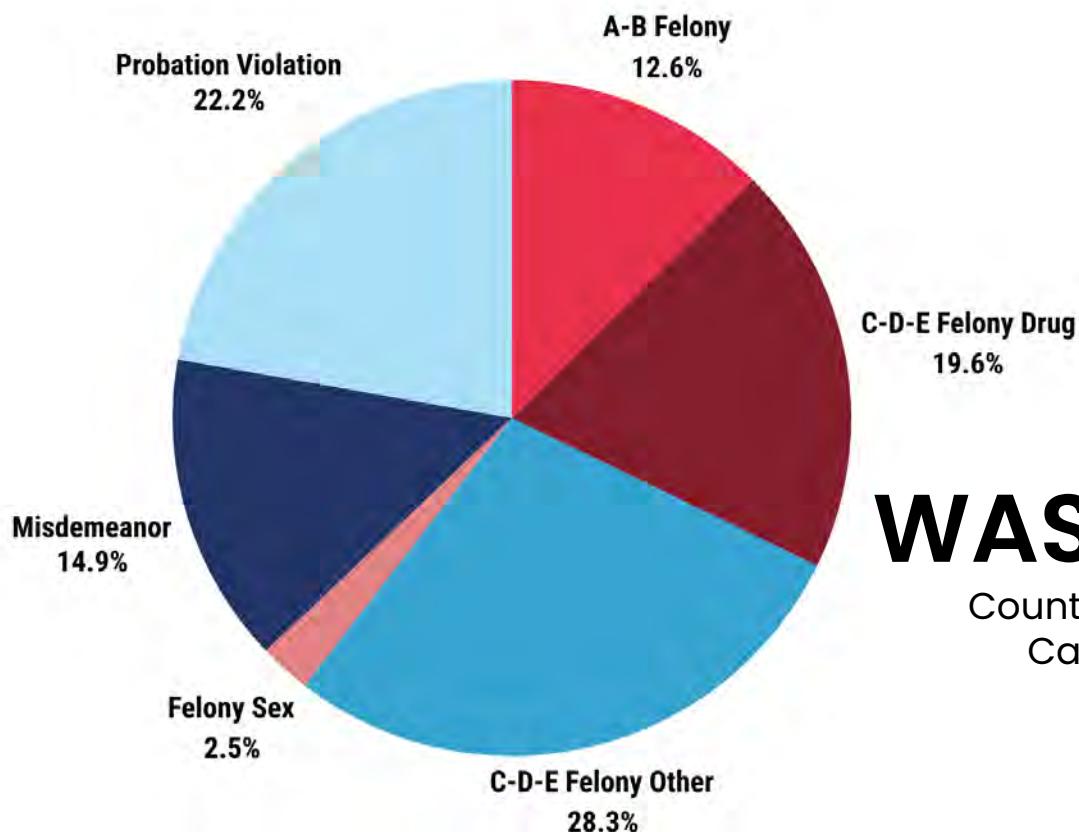
# VERNON

County Population: 19,707  
Cases Initiated: 559



# WARREN

County Population: 35,532  
Cases Initiated: 451

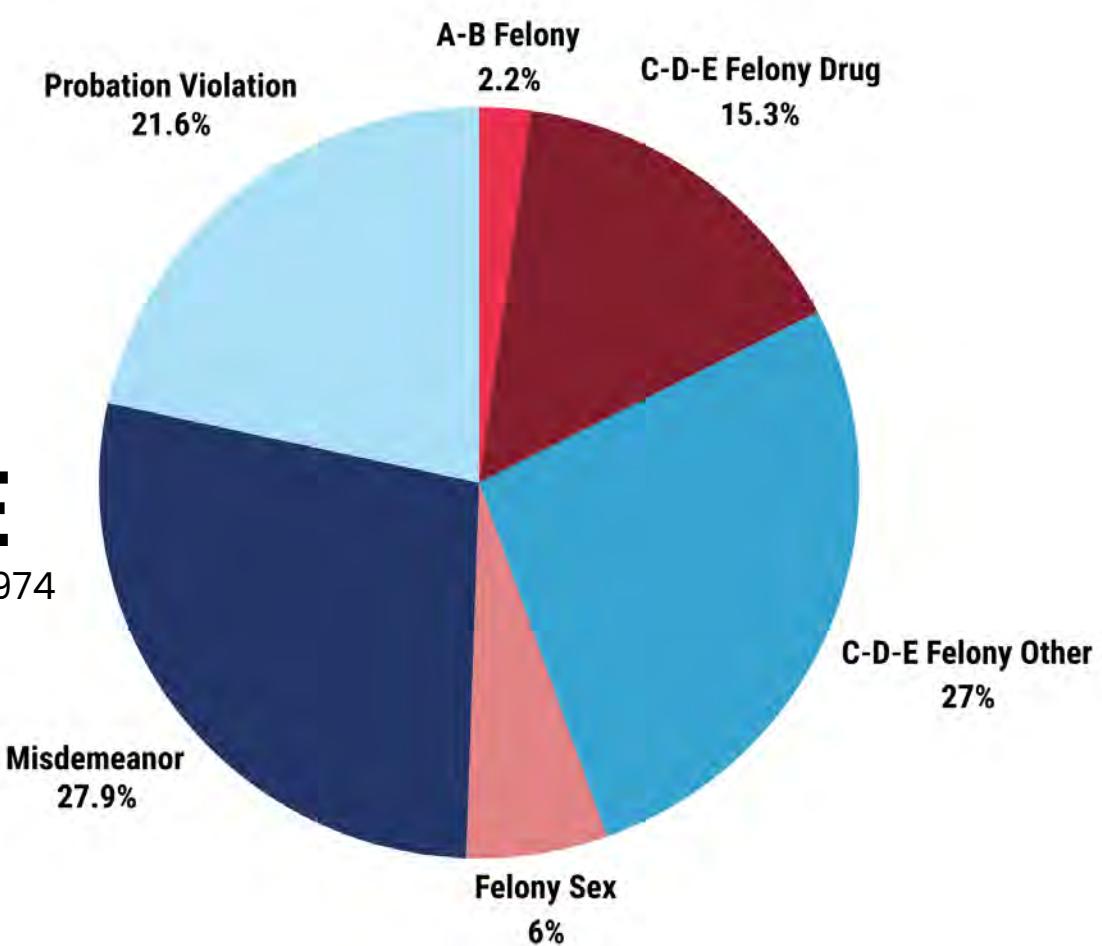


# WASHINGTON

County Population: 23,514  
Cases Initiated: 613

# WAYNE

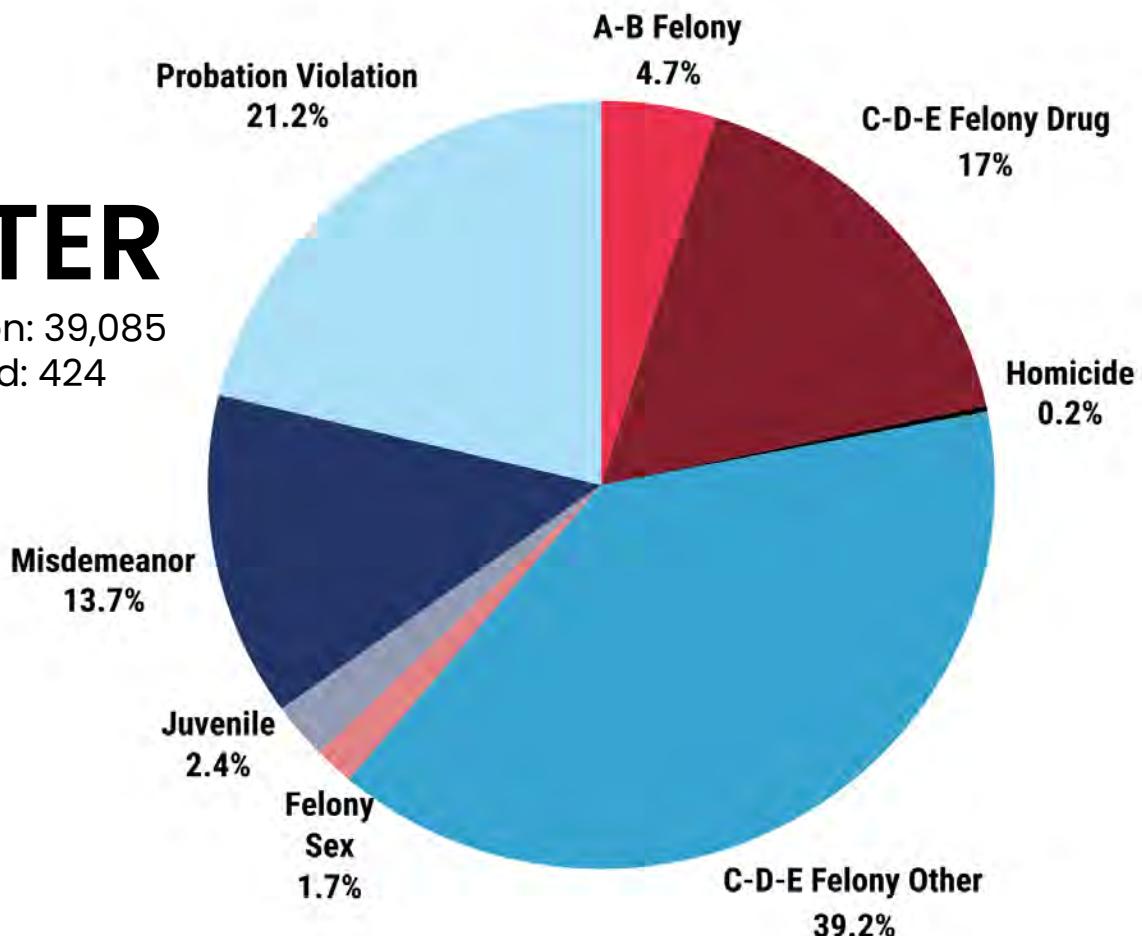
County Population: 10,974  
Cases Initiated: 367



# WEBSTER

County Population: 39,085

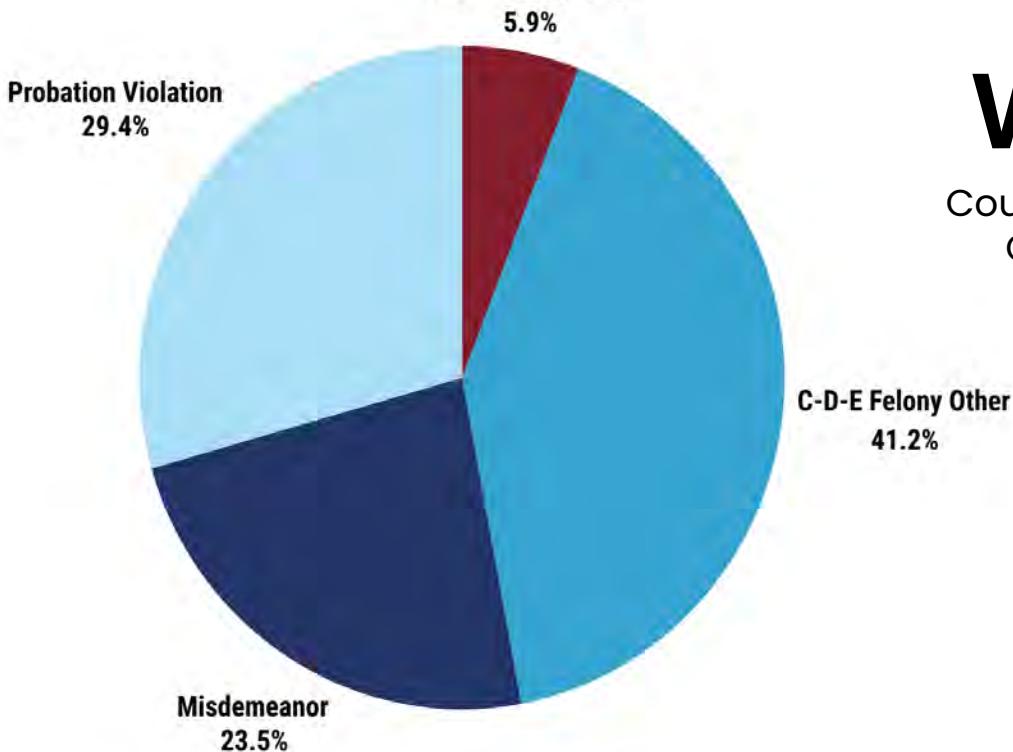
Cases Initiated: 424



# WORTH

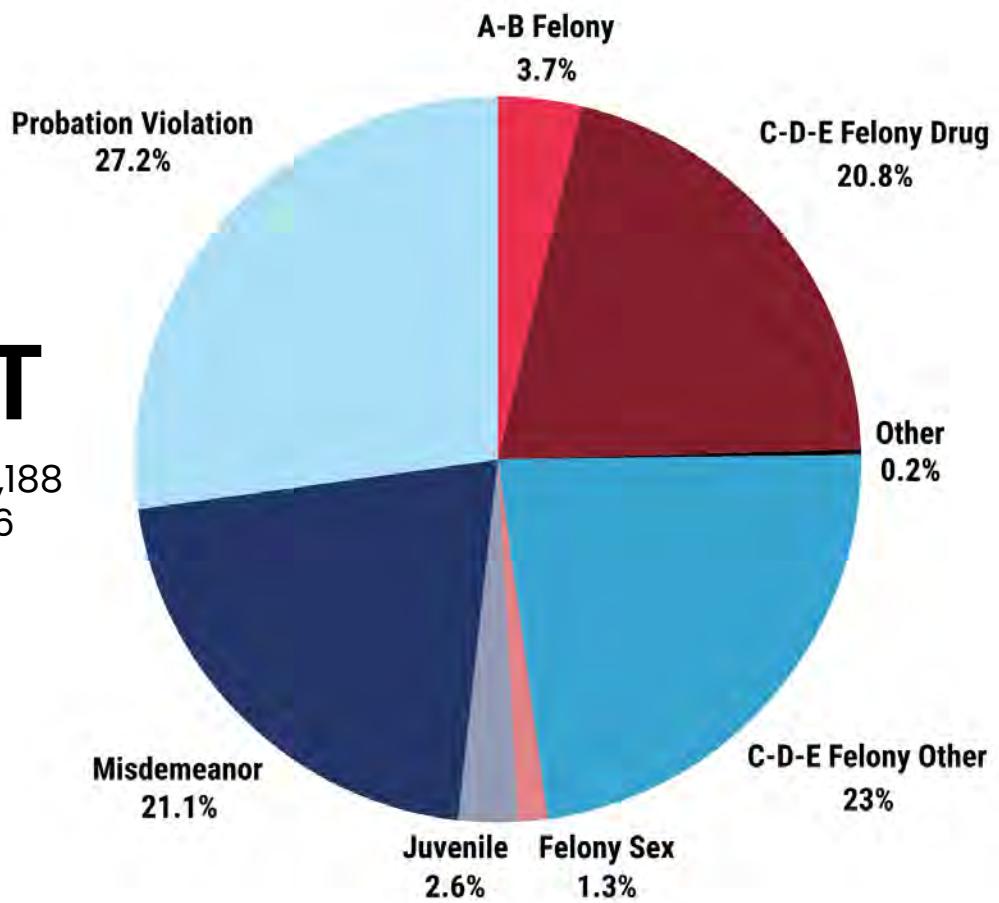
County Population: 1,973

Cases Initiated: 17



# WRIGHT

County Population: 18,188  
Cases Initiated: 456



# MSPD

*Missouri State Public Defender*

# APPENDIX B

*HDS Program Evaluation*

# 2024

# ANNUAL REPORT



# **Missouri's Holistic Defense Services Program: A Snapshot of Cost and Benefits**

**Rachel Fulmer, MSW**  
**Director of Pretrial and Law Enforcement Projects,**  
**Wellbeing & Equity Innovations**

**Katie Morphonios**  
**Senior Data Specialist, Wellbeing & Equity Innovations**

**Carrie Pettus, Ph.D., MSW**  
**Chief Executive Officer, Wellbeing & Equity Innovations**

**Miltonette Olivia Craig, JD, Ph.D.**  
**Assistant Professor, Sam Houston State University, Texas**

## Table of Contents

EXECUTIVE SUMMARY .....	3
BACKGROUND .....	5
HOLISTIC DEFENSE SERVICES (HDS) SAMPLE REVIEW .....	6
OUTCOMES OBSERVED IN HDS CASES .....	9
CHANGES IN COSTS ASSOCIATED WITH INCARCERATION .....	10
THE TRANSFORMATIVE EXPERIENCE OF HDS: VOICES OF CLIENTS, ATTORNEYS, AND STAKEHOLDERS ...	12
HDS AND PUBLIC DEFENDER WORKLOAD .....	15
CONCLUSION .....	15
A CLOSER LOOK AT HDS SENTENCE OUTCOMES .....	15
WELLBEING AND EQUITY INNOVATIONS .....	18
REFERENCES .....	19

## EXECUTIVE SUMMARY

The Missouri Holistic Defense Services (HDS) Program, launched in 2022, provides comprehensive psychosocial support alongside traditional legal representation for Missouri State Public Defender (MSPD) clients. This summary highlights the significant financial aspects and the benefits reported by clients, attorneys, and stakeholders, underscoring the support for continued funding. Seven MSPD trial offices were chosen to have their use of HDS reviewed. Those seven offices are located in: St. Louis, St. Charles, Rolla, Springfield, West Plains, Kansas City, and St. Joseph.

### **Financial Benefits**

HDS may facilitate substantial cost savings for the State of Missouri by influencing pretrial incarceration days and sentencing outcomes. Key financial observations across seven of the 33 trial offices include:

**Pretrial Release Savings:** Due to changes in incarceration length post HDS involvement, the program likely facilitated the pretrial release of clients, resulting in a combined total of 4,512 fewer days spent in incarceration. This reduction suggests **savings of approximately \$354,752 for the state.**

**Sentence Reduction Savings:** HDS involvement was associated with reduced prison sentences. For example, reductions in DOC sentences averaged 4-6 years for HDS clients, suggesting significant savings considering the daily costs of incarceration. These reductions in incarceration days and sentence lengths translate into a **substantial financial savings of \$15,123,376**, alleviating the state's burden of incarceration costs.

**Probation Violation Savings:** HDS services were correlated with mitigating additional incarceration for probation violation cases, saving an estimated 1,131 days of jail time, which translates to potential **savings of approximately \$80,301.**

**Support Services:** By addressing clients' needs in mental health care, substance use treatment, housing, and employment, HDS may reduce the long-term costs associated with repeated legal issues.

### **Client Support and Stability**

HDS provides essential services that promote client stability and engagement with the legal process. Positive client feedback highlights the importance of these services in aiding their community and personal stability. By offering comprehensive support, HDS helps clients improve their quality of life and avoid future legal troubles.

**Attorney Efficiency and Effectiveness:** HDS alleviates the workload of public defenders by taking on tasks related to client support and case preparation. This allows attorneys to focus more on legal representation, enhancing the overall efficiency of public defense. Attorneys have praised the detailed mitigation reports and thorough client advocacy provided by HDS staff, which they express contribute to better case outcomes.

**Stakeholder Recognition:** Stakeholders, including MSPD staff and community service providers, underscored the positive impact of HDS beyond legal outcomes. By addressing clients' biopsychosocial needs, HDS fosters trust and cooperation between clients and their legal representatives, improving the justice system's responsiveness.

## **Conclusion**

The HDS Program represents a comprehensive approach to public defense by integrating legal support with social services to promote client stability and improve outcomes. **The program's potential cost savings are estimated at over \$15,558,429 over an 18-month period. These savings are only reflective of the seven trial offices included in this review** and are further bolstered by the qualitative benefits that emphasize the value of continued investment in the program. Supporting HDS contributes to a more efficient and equitable justice system, ultimately benefiting both the state and its citizens.

Investing in HDS not only has the potential to reduce costs but also likely enhances the quality of legal representation and supports the wellbeing and stabilization of clients, making it a crucial component of Missouri's public defense strategy.

## BACKGROUND

The Missouri Holistic Defense Services Program (HDS) launched in 2022 in response to the vital need of MSPD clients for psychosocial services in addition to traditional legal representation. Backed by years of evidence, the incorporation of a holistic defense approach has shown to have a positive impact at reducing unnecessary incarceration and increasing the connection of clients to resources that promote stability (Anderson et al., 2019; Steinberg, 2013; Lepage, 2020; Buchanan, 2019). In Missouri, HDS staff assist the MSPD legal team across each of the 33 trial offices through connecting clients to resources and treatment services, assisting with bond requirements, developing memos and reports to be used in negotiation or court proceedings, and overall providing client advocacy.

As of June 2024, 17 trial offices have an HDS staff member in-house and the remaining offices receive HDS support virtually and through routine visits. This report serves as a brief exploration of HDS across seven jurisdictions to outline patterns in utilization, services provided, costs and benefits from things like incarceration rates and sentence outcomes, and to describe HDS impact on client stability through case stories and interviews with both clients and stakeholders.

The seven trial offices included in this review are:

1. St. Louis, trial office #22
2. St. Charles, trial office #11
3. Rolla, trial office #25
4. Springfield, trial office #31
5. West Plains, trial office #37
6. St. Joseph, trial office #05
7. Kansas City, trial office #16

The HDS program categorizes the types of assistance they provide on a case as either Case Management or Mitigation. For purposes of this snapshot report, we have described the sample in total and then specified the differences in services provided and case outcomes for clients that receive case management and clients that receive mitigation assistance from HDS.

**Case Management**- assesses and connects clients to a variety of resources or services that may be a part of a court requirement, a strategy of the attorney in processing the case, or simply recognized as a service the client needs to enhance their stability and engagement with the legal process.

**Mitigation**- uses social work practices to document a thorough life history of a client and identify biological, psychological, and social factors that can be used to negotiate pleas, sentences, or court appeal.

This report reviews the charges assigned to participants within our sample and therefore utilizes the Missouri classification of charges. The classification system for charges within Missouri is further described on the next page.

In Missouri, felonies are classified from Class A, which includes the most serious crime, to Class E, which includes the least serious offenses. Missouri felony charge types are defined in the above table. This report refers to charges based on their classification.

Felony Class	Definition
Class A	Encompasses the most serious crimes. Examples include first and second-degree murder, first-degree kidnapping, forcible rape of a child under 12, first-degree robbery, and certain severe drug offenses. The punishment for a Class A felony ranges from 10 to 30 years in prison or life imprisonment
Class B	Are serious offenses but are less severe than Class A felonies. Examples include voluntary manslaughter, first-degree burglary, first-degree domestic assault, first-degree assault, and promoting prostitution in the first degree. The sentencing range for Class B felonies is 5 to 15 years in prison
Class C	Involve theft and property crimes but can also include crimes against individuals. Examples include involuntary manslaughter, fraud, identity theft, resisting arrest, and third-degree domestic assault. A Class C felony carries a prison sentence of 3 to 10 years and may include fines up to \$10,000
Class D	Considered less serious offenses. Examples include passing bad checks, unlawful use of a weapon, second-degree domestic assault, and aggravated DWI. The punishment for a Class D felony can be up to 7 years in prison and fines up to \$10,000. Courts may also grant probation for certain offenses
Class E	The least severe felony classification in Missouri. Examples include providing false information, insurance fraud, third-degree assault, and motor fuel tax evasion. A Class E felony is punishable by up to 4 years in prison and fines up to \$10,000

## HOLISTIC DEFENSE SERVICES (HDS) SAMPLE REVIEW

### Sample Description

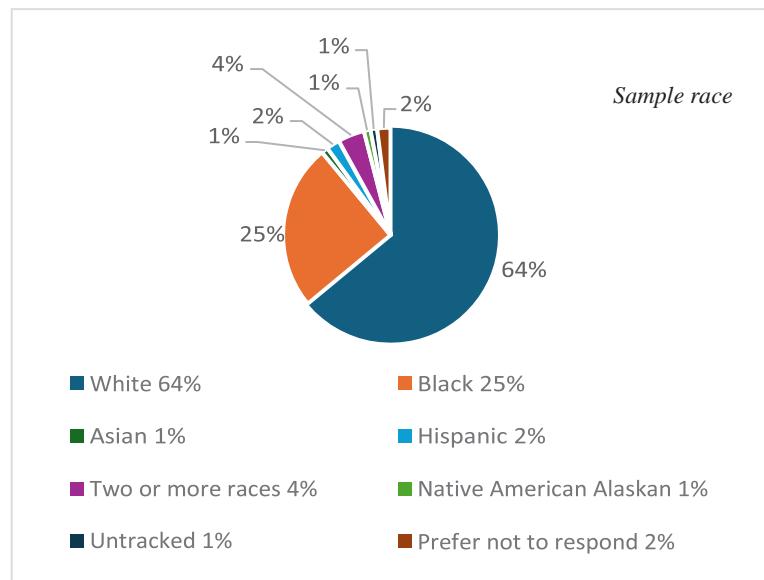
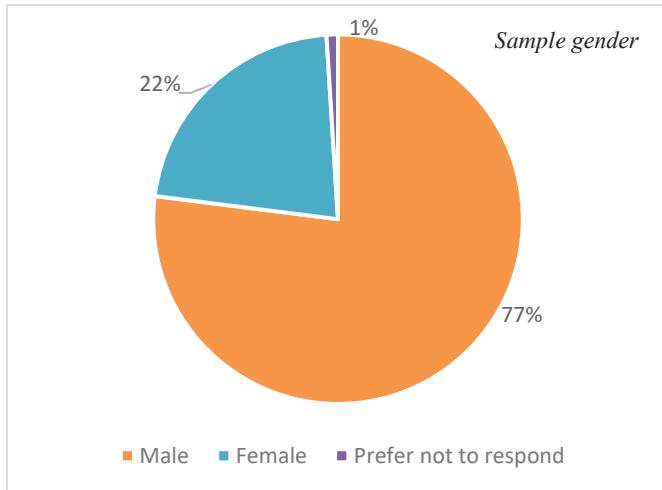
We examined cases that began receiving HDS assistance between November 1, 2022, and November 30, 2023, and had their cases closed by May 31, 2024. During this period, 487 cases met these criteria, involving 469 unique individuals. Of these, 363 received case management services through HDS, 106 received mitigation, and 18 received both.<sup>1</sup>

The sample represents all closed cases from the seven trial offices that met the above-described criteria. The distribution of our sample per trial office is illustrated in the adjacent table.

Percentage represented in sample	
Kansas City	18%
Rolla	21%
Springfield	15%
St Charles	11%
St Joseph	14%
St Louis	13%
West Plains	9%
<b>Grand Total</b>	<b>100%</b>

<sup>1</sup> Based on advisement from MSPD leadership, the St. Joseph trial office sample window was delayed until February 1st, 2023, due to the HDS program starting later at that office. As a result, the sample window for St. Joseph is February 1st, 2023 – November 31st, 2023.

**Demographics of the Sample:** The majority of the sample were White (64%) with the second highest racial percentage for Black or African American at 25%. Male was the most prevalent gender amongst the sample at 77%. Females made up 22% of the sample while another 1% preferred not to disclose their gender identity.



**Charges Observed in the Sample:** The majority of clients in our sample were charged with a "C-D Felony Other" at 34%, followed by "Probation Violation Felony" at 16.8% and "A-B Felony Other" at 14.5%. Less frequent categories include "Juvenile Misdemeanor" at 0.21% and "Misdemeanor Sex Offenses" at 0.43%. Serious offenses like murder and other homicides are relatively rare, each accounting for just over 1% and 2%, respectively.

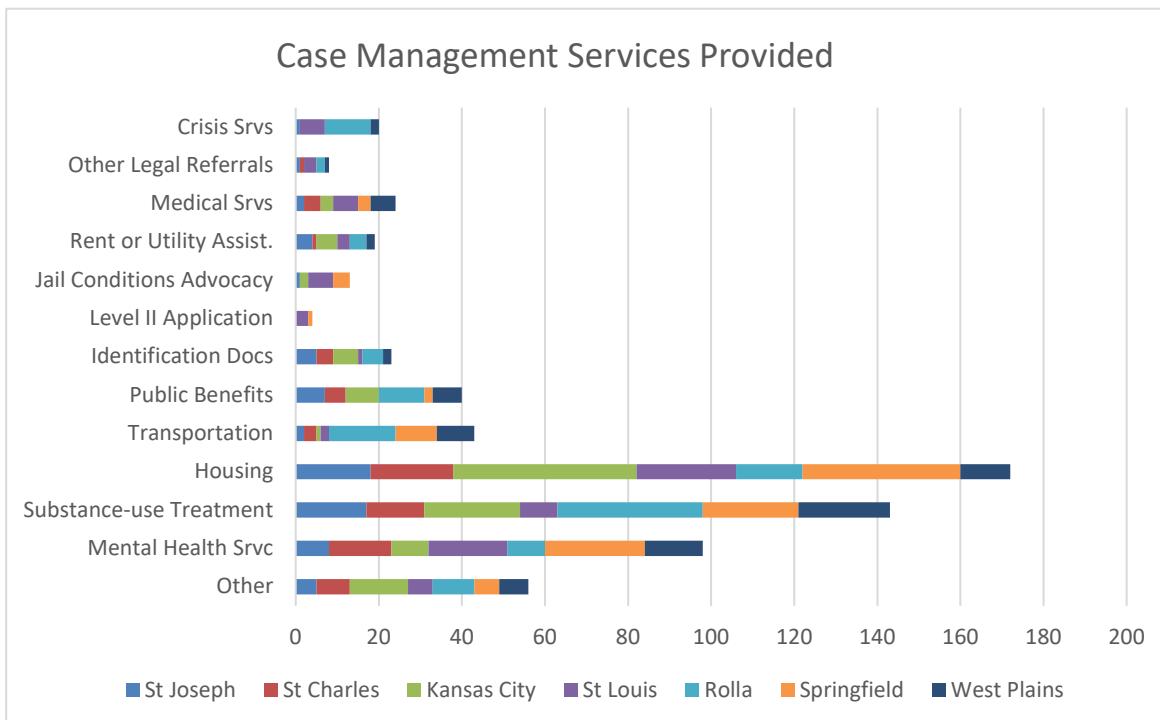
### Needs of HDS Clients

HDS clients often present with multiple needs that affect the client's stability, wellbeing, and case. Responding to these needs takes time. In our review of HDS time spent on cases, we found that HDS spends an average of 2 months providing case management, and an average of 3.5 months providing mitigation.

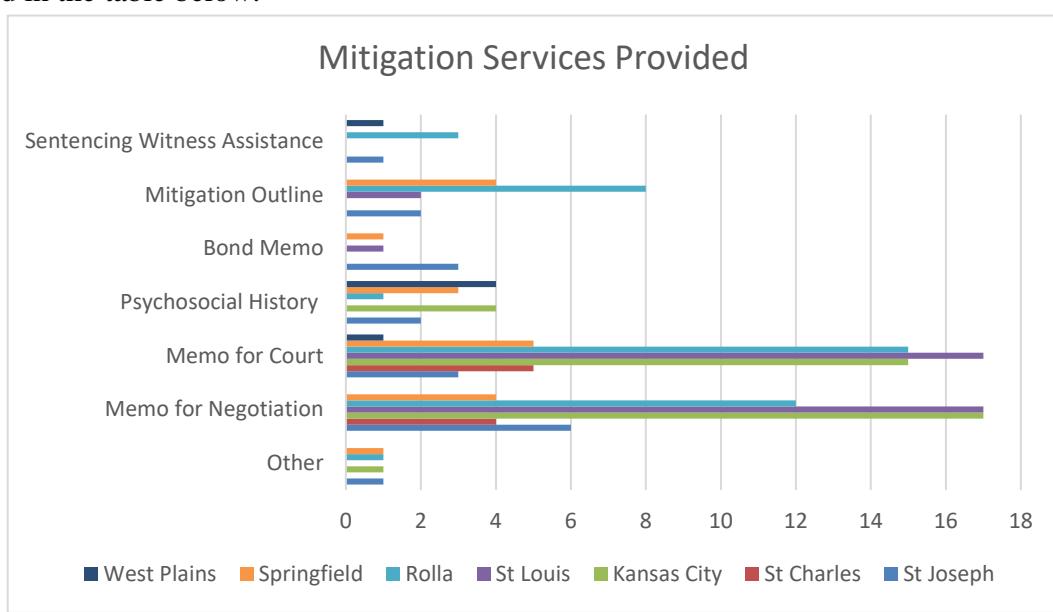
HDS staff use a variety of markers to examine the needs of clients. Three important measures of need are evaluated by examining the individual's custody status at the time of HDS involvement, the number of additional active legal cases, and a needs assessment conducted through case management. HDS staff track how many of their clients have other active cases with MSPD. In this sample, 17% of clients had at least one other open case with MSPD. Just over half of the clients were incarcerated at the time HDS was brought onto their case:

- 54% of mitigation clients were incarcerated at the time HDS became involved.
- 59% of case management clients were incarcerated at the time HDS became involved.

**Services Provided through Case Management:** HDS staff assess the needs of each client through semi-structured conversations, often occurring in jail following the individual's arrest. HDS staff explore a range of biopsychosocial questions with clients to determine their needs. Following these conversations, HDS staff may assist with a variety of resource connections and general case assistance.



**Services Provided through Mitigation:** The information collected through mitigation services can be utilized in various ways during legal proceedings. For instance, the mitigation report prepared by HDS may be used during negotiations with prosecutors, as a memo in court to advocate for bail, or during sentencing to provide important context information to the Judge. In our sample, we found that the majority of cases that received mitigation assistance were used as brief reports or memos in court or during negotiations. The types of mitigation services commonly provided at each of the seven offices is illustrated in the table below.



## OUTCOMES OBSERVED IN HDS CASES

Our review of HDS cases suggests positive outcomes in reducing charges, reducing number of days spent incarcerated pretrial, and reducing the ultimate sentence received.

1. HDS clients receive assistance that helps them obtain bond and be released pretrial.
2. HDS cases experience charges being amended or dismissed.
3. HDS cases witness reductions to the Prosecutor sentencing recommendations.

### Sentencing Outcomes

To give an overview of the sentencing outcomes observed in the sample we have detailed the outcome in relation to the charge type in the below table. Sentencing outcomes for both Case Management and Mitigation are included. This table is solely focused on highlighting cases that reached a consequential sentencing outcome.<sup>2</sup> Cases that were transferred or withdrawn from MSPD representation or did not reach a disposition/sentencing outcome were not included. Within this table, the total percentage for each case outcome (e.g., prison, probation, jail, fine/other, or dismissed) is bolded across the top. Then, the within group percentages for each of these outcomes is stacked below each outcome.

	CASE MANAGEMENT					MITIGATION				
	Prison	Probation	Jail	Fine/ Other	Dismissed	Prison	Probation	Jail	Fine/ Other	Dismissed
<b>Total within</b>	<b>18% total</b>	<b>51% total</b>	<b>16% total</b>	<b>2% total</b>	<b>13% total</b>	<b>57% total</b>	<b>27% total</b>	<b>6% total</b>	<b>1% total</b>	<b>9% total</b>
Murder / Other Homicide	4%	0%	2%	0%	0%	21%	0%	0%	0%	11%
A-B Felony Drug	4%	2%	0%	0%	0%	3%	4%	0%	0%	0%
A-B Felony Other	19%	17%	10%	0%	6%	33%	18%	0%	100%	33%
A-B Felony Sex	6%	1%	2%	0%	0%	19%	4%	0%	0%	0%
C-D Felony Drug	13%	17%	2%	0%	17%	2%	7%	0%	0%	11%
C-D Felony Other	48%	45%	45%	50%	46%	21%	57%	67%	0%	33%
C-D Felony Sex	4%	0%	2%	0%	3%	2%	0%	17%	0%	0%
Misdemeanor	2%	17%	35%	50%	29%	0%	11%	17%	0%	11%
Category total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

<sup>2</sup> Probation violation charges are not reflected in this table. Probation violation charges are highlighted separately in the below section.

## CHANGES IN COST ASSOCIATED WITH INCARCERATION

Incarceration imposes significant expenses on both the State of Missouri and the incarcerated individuals. For the state, these costs include the daily expenses of incarceration, such as housing, food, and healthcare. According to the National Center for State Courts, the average time between arrest and case resolution is approximately six months for misdemeanors and about 256 days for most felonies (2020) creating a substantial demand on state budgets.

For defendants, the costs are multifaceted, including lost wages, job loss, and the subsequent impact on future employment opportunities. Research shows that longer periods of detainment during pretrial are associated with longer sentences and lower rates of case dismissals (Wrigley & Schumacher, 2023). Additionally, studies highlight the negative effects of incarceration on individuals, such as decreased employment opportunities and increased poverty rates, which also impact the financial well-being of their immediate social networks (Dobbie, Goldin, and Yang, 2018; Dobbie & Yang, 2021). Research indicates that common barriers to pretrial release include lack of stable housing, employment, and access to mental health and substance use treatment (Lowenkamp, VanNostrand, & Holsinger, 2013).

**Holistic Defense Services (HDS) seeks to minimize these costs by directly addressing extra-legal factors that inhibit the likelihood of pretrial release, such as unstable housing, lack of employment, or mental health and substance use treatment needs, and increase the stability of the clients to thrive in their communities.**

We examined costs associated with incarceration in three ways: (a) days spent in jail pretrial, (b) days spent in jail for probation violations, and (c) changes in sentences observed from the prosecutor recommendation prior to HDS involvement to compared to after HDS assisted on the case.

### Calculation Sources

The figures presented in this section are designed to provide an estimate of potential savings for the State of Missouri based on observed possible savings in days spent incarcerated pretrial, reductions from prosecutor sentence offers regarding sentence type (e.g., jail, prison, probation), and reductions in sentence length. Sources for the daily rate for jail, prison, and probation are as follows:

**Jail costs:** The average cost of jail per resident per day for the State of Missouri was calculated by compiling several recent reports from Missouri representatives, Prison Legal News, and the 2020 Missouri Auditor's report. Based on these reports the average cost per day per resident was identified to be about \$71 (Missouri State Auditor, 2020; Prison Legal News, 2020; The Beacon News, 2024).

**Prison costs:** Costs for prison were calculated using the widely cited 45-state survey conducted by The Vera Institute (2012) found an average cost of approximately \$32,850 per resident annually for state prisons, which averages to be about \$90 per day per resident (Henrichson & Delaney, 2012). However, inflation and economic shifts have inevitably increased these costs. As a result, the \$90 per day may be a conservative estimation.

**Probation costs:** Yearly cost of probation for the State of Missouri are based on findings from the United States Courts (2017), in which the average cost of supervising someone on probation was identified to be approx. \$4,300 per year.

## **Days Spent in Jail Pretrial**

Approximately 53% of mitigation clients in the sample were incarcerated at the time HDS was brought onto the case. Of these, about 9% were released pretrial, following HDS involvement in their case. We counted the number of days these individuals spent out of jail following their involvement with HDS until their sentencing. Through HDS assistance, these individuals remained in their communities and saved Missouri approximately 888 days that these individuals did not spend in jail.

**If these individuals had spent those 888 days in jail, it would have cost the state of Missouri approximately \$97,448.<sup>3</sup>**

Approximately 58% of case management clients in the sample were incarcerated at the time HDS was brought onto the case. Of these, 24% ended up being released from jail pretrial. Following the same method as above, we counted the number of days these individuals spent out of jail following their involvement with HDS until their sentencing to estimate a total of 3,624 days these individuals were able to reside in their communities instead of jail.

**If these individuals had been in jail instead of receiving supportive services, they would have spent an additional 3,624 days incarcerated, costing the state of Missouri approximately \$257,304.**

## **Days Spent in Jail for Probation Violations Cases**

Approximately 6% of the mitigation clients were charged with either a felony or a misdemeanor probation violation. Through the assistance of HDS mitigation services, **these individuals avoided what would have been an additional combined 125 days incarcerated, which would have cost the state of Missouri an estimated \$8,875.**

Approximately 21% of the case management clients were charged with either a felony or a misdemeanor probation violation. With the assistance of HDS and the supportive services offered to clients, 13% of these clients were able to secure release from jail prior to their probation violation hearing.

**If these individuals had been in jail instead of receiving services, they would have remained incarcerated for a total of 1,006 additional days, costing the state of Missouri an estimated \$71,426.**

## **Sentence Length**

We examined the prosecutor recommendation for cases prior to HDS involvement and compared that to the recommendation at sentencing to assess any fluctuations to the sentence given.<sup>4</sup>

**HDS clients that received case management or mitigation both saw reductions to the actual sentence the prosecutor recommended sentence prior to HDS involvement.**

<sup>3</sup> Individuals that received both mitigation and case management were counted under mitigation for purposes of pretrial release and savings in order to prevent double counting of days in jail.

<sup>4</sup> The cost savings reflected in this section are an estimate based on the assumption that an individual would serve their entire sentence. Actual cost savings may vary.

**Case management:** For cases that received a prison sentence, HDS was associated with reductions in prison sentences that ranged from 4 months to 26 years. The average reduction in the prosecutor's recommended sentence following HDS involvement was 6 years.

Cost of Sentencing Based on Initial Prosecutor Recommendation	Cost of Sentencing <i>following</i> HDS involvement	Difference in Cost Post HDS Involvement
\$13,904,640	\$3,559,102	\$10,338,388

**Mitigation:** For cases that received a prison sentence, HDS was associated with reductions in a prison sentence that ranged from 1 to 10 years. **The average reduction in the prosecutor's recommended sentence following HDS involvement was 4 years.**

Cost of Sentencing Based on Initial Prosecutor Recommendation	Cost of Sentencing <i>following</i> HDS involvement on a case	Difference in Cost Post HDS Involvement
\$12,264,440	\$7,479,452	\$4,784,988

## THE TRANSFORMATIVE EXPERIENCE OF HDS FROM THE VOICES OF CLIENTS, ATTORNEYS, AND STAKEHOLDERS.

HDS provides a comprehensive approach to criminal defense, addressing not only the legal needs of clients but also their social, emotional, and practical needs. Stakeholders who interact with HDS have consistently highlighted the program's profound impact on clients and the legal system. Their reflections underscore the critical role that HDS plays in transforming lives and enhancing the effectiveness of legal defense.

Participants interviewed indicated that because of a combination of legal expertise and social services, HDS significantly enhances the outcomes for clients and alleviates the workload on attorneys.

### Empowering Clients Towards Stability

One of the core strengths of HDS is its ability to connect clients with essential services that promote stability in various aspects of their lives. This comprehensive support is crucial in helping clients rebuild their lives and avoid future legal issues. An attorney shared their experience, stating, "(My) client was able to go to a one-year treatment program that helped with housing, employment, and (allowed her to) work on custody of her child." This holistic approach ensures that clients not only receive legal assistance but also the necessary support to address underlying issues such as housing and family instability and unemployment.

"(My) client was able to go to a one-year treatment program that helped with housing, employment, and (allowed her to) work on custody of her child."

Housing stability is a critical factor for many clients. An HDS staff member reflected on this, saying, "The client was losing her public housing. I helped get her set up with alternative housing in an income-based apartment." Another client echoed this sentiment, "It opened a lot of doors for me to where I wasn't able to get housing at first but now, I got housing. I got my own apartment. I live on my own. I'm not in any trouble anymore. My probation officer doesn't have anything but good things to say about me."

## Effective Treatment and Reduced Incarceration

HDS's ability to facilitate access to treatment programs plays a vital role in reducing expensive and deleterious incarceration rates. Clients often receive sentences that include treatment plans rather than jail time, allowing them to address the root causes of their legal troubles.

"The court had agreed that I would not need prison time if I had gotten into a substance treatment program, which I was able to get into." "(The) Judge was comfortable releasing him because he was connected to a social service agency."

One client recounted, "The court had agreed that I would not need prison time if I had gotten into a substance treatment program, which I was able to get into." HDS not only keeps clients out of prison but also provides them with the tools they need to lead healthier, more stable lives.

Another attorney expressed gratitude for this approach, saying, "(The) Judge was comfortable releasing him because he was connected to a social service agency." This demonstrates the trust that judges place in HDS's ability to provide effective alternatives to incarceration.

"I would like to especially thank [HDS staff name redacted] and everyone at the Missouri State Public Defender for the work they do for the clients to get them to where they need to be."

Coordinators at local treatment facilities have observed firsthand the benefits of HDS. One such coordinator expressed their gratitude, saying, "I would like to especially thank [HDS staff name redacted] and everyone at the Missouri State Public Defender for the work they do for the clients to get them to where they

need to be." This acknowledgment reflects the collaborative efforts between HDS and treatment providers to ensure clients receive the necessary support to rebuild their lives.

## Enhancing Legal Outcomes

HDS significantly improves the legal outcomes for clients by providing comprehensive background information and mitigating circumstances that might otherwise be overlooked. One client described how HDS's thorough approach impacted their case: "[HDS staff member] looked into my previous background, my medical history, my criminal background, my education even, and she presented those facts to the judge. . . And she presented to the judge quickly and it went from me going to serve 11 years [in prison] to me going to be on

"[HDS staff member] looked into my previous background, my medical history, my criminal background, my education even, and she presented those facts to the judge. . . And she presented to the judge quickly and it went from me going to serve 11 years [in prison] to me going to be on probation for about two years."

"[HDS staff name redacted] mitigation report was essential in my argument wherein I was able to convince the judge to order a 120 (day substance use treatment program) with the client being required to complete a one-year program in a sober living facility when he is released on probation."

probation for about two years." The impact of HDS on sentencing is consistently noted by clients and attorneys alike. A public defender highlighted this saying, "[HDS staff name redacted] mitigation report was essential in my argument wherein I was able to convince the judge to order a 120 (day substance use treatment program) with the client being required to complete a one-year program in a sober living facility when he is released on

probation.” The holistic approach of HDS has led to remarkable legal successes. An attorney shared a notable case, stating, “With the home plan and support of his grandparents, we were able to convince the judge to grant probation rather than sentence him to three concurrent 10- year sentences. . . [the attorney] called it one of the biggest wins he’s had in his 15-year tenure.” This highlights how HDS’s comprehensive plans and support networks can significantly alter the course of a client’s life, reducing harsh sentences and offering a path to rehabilitation.

“[Judge name] sentenced [MSPD client name] to a 7-year SES, which is what we were asking for. . . She specifically told me to pass along that she was impressed with your sentencing memorandum and found it very informative and thorough. Thank you for all of your help! I’m confident [MSPD client] would not have received a 120 ITC without the sentencing memo.”

consistent communication helps build trust, which is crucial for effective legal defense. One client appreciated the continuous support, saying, “[HDS staff member] would calm me down and tell me she’s working on some things for me. I probably talked to [HDS staff member] about 13 to 14 maybe 20 times.” This level of engagement ensures that clients are well-informed and feel valued throughout the legal process. Another client’s family member noted the positive impact of this communication, stating, “She was very compassionate and everything with him. And that helped with his self-esteem.”

### **Alleviating Attorney Workload**

“I also have too much on my plate workload-wise to provide mental health/housing services to my clients, so HDS really helps respond to that.”

HDS also plays a critical role in reducing the workload for public defenders, allowing them to focus more on the legal aspects of their cases. One attorney expressed this benefit, “I also have too much on my plate workload-wise to provide mental health/housing services to my clients, so HDS really helps respond to that.”

“[HDS staff member] got this all taken care of on her own. She saved me hours of work. I’m very appreciative of her help.”

A fellow MSPD attorney emphasized the value of HDS’s contributions, saying, “Your memo was invaluable to [staff name] who was preparing to do the jury sentencing portion of the trial.” The support provided by HDS not only benefits clients but also significantly reduces the workload for public defenders. One public defender expressed their appreciation, stating, “[HDS staff member] got this all taken care of on her own. She saved me hours of work. I’m very appreciative of her help.” This sentiment reflects the value of HDS in streamlining case management and allowing attorneys to focus on the legal complexities of their cases.

## HDS AND PUBLIC DEFENDER WORKLOAD

Qualitative interviews with MSPD staff and stakeholders suggest that the inclusion of HDS staff on cases is highly well-received and provides meaningful assistance. The incorporation of HDS not only enhances case outcomes but may also benefit the operations of public defenders who often face staff shortages and high caseloads. According to the Rubin Brown (2020) study, public defender caseloads frequently exceed recommended limits. Research indicates that higher caseloads are associated with a greater likelihood of pretrial incarceration, with a nearly threefold increase for every 100-case increase per attorney (Gottlieb & Arnold, 2021). Additionally, enhanced rapport between clients and legal representatives can increase trust and cooperation in legal proceedings (Davidson, 2022).

Investing in HDS staff may be more cost-effective for the State of Missouri. We examined the average salary for attorneys with MSPD compared to their caseloads and the recommended hours to spend on each case type within the caseload, as detailed in the Rubin Brown (2020) study. This allowed us to estimate a per hour per case rate for attorneys. Similarly, we computed the estimated cost per case per hour for HDS staff. **HDS staff cost Missouri between 78 and 90 cents per hour per case, whereas attorneys cost Missouri between \$1.17 and \$1.26 per hour per case.**

The financial analysis of the program indicates that employing HDS staff may be less expensive than relying solely on attorneys. Stakeholders and staff perceive HDS contributions as valuable and impactful. Further research is recommended to track MSPD offices over time to understand the long-term effects of HDS staff presence on attorney workload and retention rates.

## CONCLUSION

The HDS Program has demonstrated its value in addressing the multifaceted needs of clients within the criminal justice system. By reallocating tasks from attorneys to specialized HDS staff, the program helps mitigate the pressures of high caseloads and enhances the overall quality of legal representation. This comprehensive approach supports client stability, rehabilitation, and improves the efficiency of public defense. Overall, HDS exemplifies a transformative approach to public defense by aligning legal support with social services to foster a more humane and effective justice system. Continued investment and research into HDS can enhance its role in promoting justice, reducing recidivism, and improving the lives of those involved in the criminal justice system.

## A CLOSER LOOK AT HDS SENTENCING OUTCOMES

This section provides additional insight on the sentencing outcomes observed in the sample. **Percentages presented in this section are based on the entire sample (N=469) to provide a comprehensive look at outcomes.** Please note that this is different than the “Sentencing Outcomes” chart on page 9 which focused on cases that reached a sentencing disposition (i.e. were not transferred out of MSPD representation) and did not include probation violation cases. As a result, percentages may look different.

### HDS Cases with Probation Outcomes

In the State of Missouri individuals may be sentenced with a Suspended Imposition of Sentence (SIS) probation term or a Suspended Execution of Sentence (SES) probation term.

- A Suspended Imposition of Sentence (SIS) probation term is typically associated with less serious offenses. SIS probation terms do not last longer than five years and following successful completion of probation, the sentenced individual will have their charges disposed of and any criminal records closed from the public. As a result, the SIS probation is considered a better outcome for defendants than SES probation.

- A Suspended Execution of Sentence (SES) probation term is typically associated with more serious and often felony cases. When an individual is sentenced to SES probation, they also receive a specific sentence (e.g. 7 years in prison) that may be carried out or executed if the individual does not successfully complete their probation. Due to the specified sentence that essentially hangs over the defendant, an SES probation is considered a worse outcome than SIS probation for defendants.

Out of our sample about 36% of case management and 24% of mitigation cases received a probation outcome. The types, length, and charges associated with the probation for case management and mitigation are described below.

**Case Management:** For case management clients, 52% received a SIS type of probation. The length of time on SIS probation for these clients was most commonly between 3-5 years, accounting for 58% of the cases. The common charge associated with an SIS probation sentence was a C-D Felony Drug (59%).

A slightly smaller number, 48%, of case management clients received a SES type of probation. Similarly, the majority, 78%, received an SES probationary sentence that was 3-5 years in length. The suspended sentences specified for the SES probation outcomes ranged from less than 1 year of jail time to 15 years prison. The average length of the suspended sentences as part of the SES probation was 6 years to be served in prison should the individual not successfully complete their probation. For the 14% of cases that received a suspended sentence of jail time, the majority were charged with a misdemeanor, with only two cases charged with a C-D Felony Other.

**Mitigation:** For mitigation clients, there was also a close split between SIS and SES probation. Slightly more clients, 57%, received an SES probationary sentence, while 43% received an SIS probationary sentence. Mitigation cases with an SES probation included a suspended DOC sentence ranging from 1 to 10 years, with an average of 5.5 years. The most common charge associated with an SES probation outcome in the mitigation sample was C-D Felony Other, at 44%.

#### HDS Cases with Dismissed Outcomes

The sample revealed that 10% of clients receiving case management services had their cases dismissed, while 8% of clients involved in mitigation services had their cases dismissed<sup>5</sup>. The most common charges observed in dismissed cases are illustrated in the adjacent table.

Having a criminal case dismissed is highly beneficial for a defendant, as it eliminates the potential costs and hardships associated with probation, jail, or prison. It also removes the long-term impact of a criminal record, improving their chances for employment, housing, and other opportunities. Case dismissals save the State of Missouri money by reducing the burden on the judicial and correctional systems. Case dismissals often occur when there is lack of evidence, uncooperative witnesses, or procedural errors.

Charge Type	HDS Cases
A-B Felony Other	9%
C-D Felony Other	35%
C-D Felony Drug	13%
Misdemeanor	20%

<sup>5</sup> Notably, the entirety of the sample from mitigation services who had their cases dismissed were also recipients of Case Management services. To ensure accuracy and prevent any duplication in reporting, these dismissals are solely accounted for within the mitigation category.

## HDS Cases with Prison Outcomes

Approximately 13% of HDS cases within the case management sample resulted in a prison sentence. Among those receiving a prison sentence, nearly half (45%) were sentenced to 3-5 years. Within the mitigation sample, 50% of cases resulted in a prison sentence. Of these mitigation cases, nearly half or 49% received a prison sentence ranging from 4 to 12 years.

Case Management	Mitigation
<p>13% received a prison sentence</p> <p>Of these, 31% were sent to a substance-use treatment program within the prison</p>	<p>50% received a prison sentence</p> <p>Of these 14% were sent to a substance-use treatment program within the prison</p>
<p>Top three charges that received a prison sentence within case management:</p> <ol style="list-style-type: none"><li>1. A-B Felony Other charges were reflected in 32% of prison sentences.</li><li>2. A-B Felony Sex charges were reflected in 18% of prison sentences.</li><li>3. C-D Felony Other were reflected in 18% of prison sentences.</li></ol>	<p>Top three charges that received a prison sentence within mitigation:</p> <ol style="list-style-type: none"><li>1. C-D Felony Other charges were reflected in 47% of prison sentences.</li><li>2. A-B Felony Other charges were reflected in 18% of prison sentences.</li><li>3. C-D Felony Drug charges were reflected in 12% of prison sentences.</li></ol>

## HDS Outcomes in Probation Violation Cases

The Missouri State Public Defenders frequently represent clients facing probation violation charges. Within our sample, approximately 21% of case management cases and 6% of mitigation cases, the individual was facing either a felony or misdemeanor probation violation charge.

**Case Management clients:** Out of the 21% of case management clients that were facing probation violation charges

- 33% had their probation continued
- 1% were discharged from their probation term
- 65% had their probation revoked
  - Among those who had their probation revoked, 26% were sent to a substance use and/or mental health treatment program at the prison.

**Mitigation clients:** Out of the 6% of mitigation clients that were facing probation violation charges

- 100% had their probation revoked
  - Among those who had their probation revoked, 50% were placed in a substance use and/or mental health treatment program at the prison.

## WELLBEING & EQUITY INNOVATIONS

Wellbeing &Equity Innovations (WEI)is a national equity-centered translational research nonprofit, comprised of a multidisciplinary team committed to assisting justice and community partners with transforming their systems using researcher- practitioner partnerships. WEI team members work with service providers and legal/justice system offices to develop capacity to implement, evaluate, and improve the adoption of evidence-based policies and programs with a particular focus on violence interruption, trauma- informed services, and behavioral health treatments. WEI helps partners innovate and reimagine their work by combining rigorous research-to-practice feedback loops, technical assistance, and delivery of evidence-informed practices and strategies. WEI identifies solutions that maximize value for the people they serve using data driven, quality improvement, and research and evaluation processes. WEI maintains a staff of researchers, social workers, and other therapists to work with partners to deliver state of the art data-driven services.

## REFERENCES

1. Davidson, K. M., Ostrom, B. J., & Kleiman, M. (2022). Client perspectives of holistic defense: Strengthening procedural justice through enhanced client trust. *Justice System Journal*, 43(1), 128-150.
2. Gottlieb, A., & Arnold, K. (2021). The effect of public defender and support staff caseloads on incarceration outcomes for felony defendants. *Journal of the Society for Social Work and Research*, 12(3), 569-589.
3. Buchanan, S., & Orme, J. (2019). Impact of social work practice in public defense. *Journal of Social Service Research*, 45(3), 336-347.
4. Anderson, J. M., Buenaventura, M., & Heaton, P. (2019). The effects of holistic defense on criminal justice outcomes. *Harvard Law Review*, 132(3), 819-893.
5. Lepage, C. R. (2024). Measuring effectiveness of holistic defense: social service provision and justice system outcomes. *Russ. J. Econ. & L.*, 517.
6. Gifford, B. (2019). Prison crime and the economics of incarceration. *Stan. L. Rev.*, 71, 71.
7. Ostrom, B. J., Hamblin, L. E., Schauffler, R. Y., & Raaen, N. (2020). Timely justice in criminal cases: What the data tells us. National Center for State Courts.
8. Dobbie, W., & Yang, C. (2021). The economic costs of pretrial detention. *Brookings Papers on Economic Activity*, 2021(1), 251-291.
9. Wrigley, V. R., & Schumacher, T. (2023). The Effects of Pretrial Detention Length on Sentencing Guideline Departures in Two Pennsylvania Counties. *Criminology, Criminal Justice, Law & Society*, 24(3), 11-33.
10. Lowenkamp, C. T., VanNostrand, M., & Holsinger, A. M. (2013). Investigating the impact of pretrial detention on sentencing outcomes. *LJAF*.
11. RubinBrown LLP. (2014). The Missouri Project: A study of the Missouri public defender system and attorney workload standards, including a national blueprint for future workload studies. American Bar Association's Standing Committee on Legal Aid and Indigent Defendants.
12. Steinberg, R. (2013). Heeding Gideon's call in the twenty-first century: Holistic defense and the new public defense paradigm. *Washington and Lee Law Review*, 70, 961-1048.
13. Prison Legal News. (2020, February 4). Missouri requires county jails to house state prisoners, then doesn't pay them. *Prison Legal News*. Retrieved 2024, August 07, from <https://www.prisonlegalnews.org/news/2020/feb/4/missouri-requires-county-jails-house-state-prisoners-then-doesnt-pay-them/>
14. Prison Inside. (n.d.). How much does the average prisoner cost per day? *Prison Inside*. Retrieved 2024, August 07, from <https://prisoninside.com/how-much-does-the-average-prisoner-cost-per-day/>
15. Missouri State Auditor. (2020). Follow-up report on audit findings - Greene County. Missouri State Auditor. Retrieved 2024, August 07, from <https://auditor.mo.gov/AuditReport/ViewReport?report=2020130>
16. Prison Legal News. (2020, February 4). Missouri requires county jails to house state prisoners, then doesn't pay them. *Prison Legal News*. Retrieved 2024, August 07, from <https://www.prisonlegalnews.org/news/2020/feb/4/missouri-requires-county-jails-house-state-prisoners-then-doesnt-pay-them/>

[prisoners-then-doesnt-pay-them/](#)

17. The Beacon News. (2024, July 2). Missouri prison and county jail spending. The Beacon News. Retrieved 2024, August 07, from <https://thebeaconnews.org/stories/2024/07/02/missouri-prison-county-jail-spending/>
18. Henrichson, C., & Delaney, R. (2012). The price of prisons: What incarceration costs taxpayers. Vera Institute of Justice. Retrieved 2024, August 07, from <https://www.vera.org/downloads/publications/price-of-prisons-updated-version-021914.pdf>
19. United States Courts. (2017, August 17). Incarceration costs significantly more than supervision. United States Courts. Retrieved 2024, August 07, from <https://www.uscourts.gov/news/2017/08/17/incarceration-costs-significantly-more-supervision>



[publicdefender.mo.gov](http://publicdefender.mo.gov)

573.777.9977



[/MissouriStatePublicDefender](https://www.facebook.com/MissouriStatePublicDefender)



[/missouri-state-public-defender](https://www.linkedin.com/company/missouri-state-public-defender)

